

THE PRESIDENTIAL ADDRESS TO THE FIRST ANNUAL CONFERENCE OF THE BASUTOLAND AFRICAN CONGRESS HELD AT FRASER'S MEMORIAL HALL, MASERU, ON FRIDAY THE 1ST DAY OF JANUARY, 1954. TO SUNDAY THE THIRD JANUARY, 1954.

OUR LIFE AND DEATH STRUGGLE:

1. 1816 - 1884

Our national, political and administrative development takes form and shape as from round about 1808. The years 1818 to 1828 were nationally formative years. From 1828 hence, our constituent tribes were bound up under one and strong bond - the leadership of Moshoeshoe. This was the first progressive step. The second was the arrival of the true evangelical missionaries in 1835.

Administratively the country progressed comparatively peacefully under one chief until 1838 - 1839 - 1840 when the Boer Trekkers outspanned in the outskirts of the Basotho country. As their manifesto states, the Boers wanted a land to own and a land to rule i.e. they wanted a land and self-rule. But then they trekked into a land that had owners who loved self-government and prized independence highly. We see at once a clash of interests between the Boers and the Basotho. The Basotho possessed land and governed themselves. The Boers, possessing a superior weapon - the gun, desired to dispossess the Basotho of their land and to rule themselves and the Basotho land. The Basotho had, either, to release peacefully a part of their land to the Boers - which thing, the Basotho, even as any other nation, declines to do, or, the Boers grabbed the Basotho land by force of the superior arms. A clash of interests between the landed and self-ruling Basotho and the landless Boers thirsting for land and self-rule - and possessing superior weapons. Started

Faced with this political threat, the Basotho appealed to the English in 1842 - the Basotho requested the English to be their friends, their helper and their protector - the Basotho asked for allegiance with the British Government. This Walter granted the Basotho in 1843. Here a peculiar political occurrence had taken place. The Basotho had, in fact, solved the political problem with yet another, for although the English had a land where they ruled themselves, they wanted more in distant places where they could solve problems of hunger, unemployment, poverty and overcrowding rife in their own mother country. The Basotho were, unawares, faced with (1) the openly hostile Boers ready to use their superior weapons to dispossess the Basotho of their land and to build up their own Boer Government; (2) the outwardly friendly English Colonisers - apparently desiring to help and protect the Basotho but truly a needy group - bent on using their superior weapons, whenever an excuse, false or true could be obtained, to dispossess the Basotho of their land and to create a British Colony of the Basotho land. As it were - the Basotho were faced with a hostile enemy - the Boers on the one side and with a friendly enemy - the English on the other side - and the political truth of this statement is disclosed all the way in the political arena wherein the Basotho, the Boers and the English have had political dealings - the three together.



(6)

In 1844 we already find Moshoeshee proclaiming against the Boers who were already selling the land he had allowed them for grazing purposes. In 1845, after Moshoeshee had explained to Maitland - the English Governor at the Cape - about his Land Tenure Policy, we find Maitland persuading Moshoeshee to allow the Boers to build homes in those places Moshoeshee had allowed them grazing grounds (Metebo). Maitland maintained that it would be well nigh impossible to remove the Boers from the area - Moshoeshee, for peace and good relations, agreed and a boundary was made. This was the beginning of a series of land dispossessions from the Basotho by the Boers - the English mediating to the advantage of the Boers. By 1848, the Boers had again crossed the Maitland boundaries into the Basotho land. That year we find Harrismith - the English Governor at the Cape - and Major Warden - the English Resident Commissioner in Bloemfontein working at a British Sovereignty over all the African Chiefs and the Boers - the English were trying a plan wherein they would have a say in the government of the peoples neighbouring Bloemfontein and including Moshoeshee who had previously asked for protection and allegiance - Moshoeshee accepted the Orange River Sovereignty - on condition that, at its establishment the Boers returned into the boundaries put by Maitland - Harrismith promised that the Boers would be caused to cross back into the Maitland boundaries - When the Orange River Sovereignty proclamation came out Harrismith had not fulfilled the condition Moshoeshee had accepted the Sovereignty upon. This failure on the part of the British Governor - Harrismith - to fulfil his promise and cause the Boers to cross back into where Maitland had put them brought about much friction between the Boers, the English and the African Chiefs included under the Sovereignty and all these three groups were in opposition to Moshoeshee's claims. The friction precipitated the battle of Voerwood in 1851 in which the Boers and their allies were defeated by the Basotho who again attempted forcing the Boers into Maitland boundaries of 1845 - in carrying their desire, the Basotho burned down all farms and captured the cattle of the Boers on the Basotho side of the Maitland boundary. At this stage, the English came in on the side of the Boers - demanding that Basotho had been wronged by the Boers who persistently occupied the Basotho land unlawfully was disregarded by the peace-making English who had just broken their promise against the Basotho. The Basotho were given three days threatening ultimatum by the English to return the captured Boer cattle - when the Basotho failed to collect the required number of cattle and even horses, they were attacked by the English under Cathcart in 1852 - the Basotho won the battle of Berea against Cathcart - the question is - what would have happened to the Basotho and their land if the English had been successful in that retaliating attack by the English. Most probable: our guess that the Colonising English would have proclaimed Basutoland as an English Colony. The English thirst for power and extension of the British Empire, which had just forced the Boers to trek out of the Cape and had been crushing the Xhosas and taking their lands, could never have spared the Basotho their land when some excuse like that did exist for the English to take our land for Britain. We shall, I believe see what a precarious situation the Basotho occupied; the unfriendly hostile Boers on one side and the cunningly hostile English on the other side.

Friction between the English and the Boers on one side and the Basotho on the other side - characterised the years 1848 to 1854 during which period Moshoeshee declared that his real crime was that he possessed a rich and fertile land - we shall agree with him - At the end of this period we find



Hogg and Owen advising the British Government either to send a strong military force to guard the Orange River Sovereignty and in particular to put Moshoeshoe in his proper place - or if the English were not in a position to do so - and they happened not to be - the English should abandon the Orange River Sovereignty. The Sovereignty was dissolved leaving Moshoeshoe and the Boers to settle it between themselves. The Basotho-English treaties of 1843-45-48 were dissolved. In 1858 the battle of Senekal was fought. The Boers finding it hard to defeat the Basotho asked Sir George Grey to mediate - the Basotho agreed - but Grey, like Maitland and Harrismith before, cut yet another portion of our land and gave it to the Boers.

1859-1862 again saw negotiations between the English and the Basotho - the Basotho seeking protection and alliance - these negotiations brought about a meeting at Thaba Bosiu on the 11th February to the 21st February, 1862. Orpen and Burrett represented the English - Moshoeshoe had called Panda and Faku to be present. The questions document made it known to Moshoeshoe that they would take him on condition that from hence:-

1. Moshoeshoe's Chieftainship; his power for self-rule; his absolute ownership of the Basotho land would have to suffer a political reduction.
2. The land would from hence be ruled by proclamations issued by the Governor of the Cape.
3. Chieftainship would have to be by appointment by the Resident Commissioner.
4. The country would have to be ruled with the help of white magistrates.

These, Moshoeshoe totally rejected as not meeting the best desires of his people in their request for protection. Moshoeshoe made it clear that the Queen should protect him while he remained the ruler of the Basotho and the rightful owner of the land that belonged to the Basotho.

The four points above show very clearly what the basic British interests were as compared with those of the Boers and contrasted to those of the Basotho. The English like the Boers wanted the ownership of the Basotho land as well as the sovereign powers over the Basotho.

The request as made by Moshoeshoe was accepted by Queen Victoria in her letter of the 5th June, 1862 - there were to be British protection over the Basotho and their land - and an English Resident Commissioner were to come to the Basotho land as an advisor to Moshoeshoe on matters of internal administration and as a British Liaison Officer to help the Basotho in their foreign relations with the outside world. But the Boers on hearing this petitioned Britain through Pretorius and Allison against this protection to be conferred upon the Basotho and against the sending of a Resident Commissioner to the Basotho land. As a result of this it was not until 1868 that the Queen's 1862 promises were carried by the English when they proclaimed alliance with the Basotho and sent up a Resident Commissioner.

In the meantime/.....



In the meantime the period 1862-1868 was characterised by the Basotho-Boer war - Ntoa-ea-Segiti in which the English, even after the Queen's promises of June, 1862, had declared that they would be neutral and help beside. But letters and the writings of the time disclose that the English were never neutral during those Basotho-Boer hostilities. The English helped the Boers with ammunition - particularly with gunpowder but they did not allow the Basotho to purchase those war essentials - and further, fighters also volunteered from the British Cape Colony to assist the Boers.

When we remember that the English decided in favour of the Boers not to extend British protection immediately over the Basotho after the Queen's agreement to do so in June 1862; when we discover that the English declared themselves neutral in the Basotho-Boer war yet they directly assisted the Boers in their struggle to dispossess the Basotho of their land, then we shall all agree that the English proved a hostile friend to the Basotho. And the coming up of the English to help us in 1868 might have been due to a sense of shame - because of the unfulfilled promises of 1862; or it may be that the long desired for weakening of the Basotho had now been achieved by the Boers and the English only came in to save the land from the Boers from whom it would be much more difficult to grab. We cannot say. But one thing we are sure of is that the agreements in operation in the framing of the 1868 proclamation were those by the Queen of England and Moshoeshoe in 1862. No other agreements had been entered upon by the English and the Basotho since 1862.

1868-1870 sees a period in which Basotho made efforts to regain their country which the Boers had taken from them during the Basotho-Boer war. Moshoeshoe also died.

1871-1872 sees a desire on the part of the English to annex Basutoland to the Cape - and the Basotho, who enjoyed self-rule under the British protection, rejected the annexation since they were not allowed to have their own Basotho members in the Cape Parliament - they were then made to understand that while the Basotho shall not be placed under the Cape Parliament, they would be under the Governor of the Cape. But behind their backs as it were - Lord Kimberly the then Colonial Secretary arranged with the Governor of the Cape Mr. H. Barkley to make proclamations for the Basotho and to extend into the Basotho land such acts of Parliament of the Cape that were not in operation in Basotho land. This secret arrangement of the Colonial Secretary and the Governor of the Cape was responsible for the outbreak of the hostilities between the Basotho and the English in 1880 - Basotho objected to the Disarmament Act issued by the Cape Parliament. The Basotho contested against it as coming from the wrong authority - the Cape Parliament with which they had no connections. Declaring that they were suppressing what they called a Basotho rebellion, the English were, in actual fact, trying to force the Basotho to accept the authority of the Cape Parliament which had refused to accept the Basotho as members of the Cape Parliament. The Basotho resisted because they were not prepared to accept the authority of a Parliament in which they could never be directly represented. The gun-war ended after three years without the English succeeding in forcing down the Basotho to accept the authority of the Cape Parliament. Let us pause to ask - what would the English have done if they had defeated the Basotho? It would be folly to doubt that they would have proclaimed it a British Colony - to be annexed or incorporated to any other country at Britain's own will.



The gun war however ended with the Basotho administration taken out of the Cape Parliament and placed under the British protection as for the 1862 agreements. Again the idea of magistrates chosen by the Resident Commissioners was rejected. The end of the Gun War marked the end of open and bloody clashes between the Basotho - the Boers and the English in the efforts of both the English and the Boers to dispossess the Basotho of their land and to reduce their power as a landed, self-governing nation to that of a dependant nation without land rights.

This period of open clashes closes down. But out of it emerges a lesson to-day - 70 years after the cessation of 1883 Anglo-Basotho hostilities - the lesson is that of a dogged determination of the Basotho - armed with weapons inferior to those of the English and the Boers, to fight for their rights - their political rights - the land rights - their right to rule themselves - above all to fight for justice. And we of the Basutoland African Congress are called upon to-day to continue the fight that has never stopped since one hundred and ten years ago. Both the Afrikaaners(Boers) and the English are still upon us - our land rights in Basotho land and rights to rule ourselves are under incessant attacks from both the hostile Afrikaaners - the Boer descendants and our unfaithful English friends.

B.1884 - 1939

Our entrance into this period must be marked by a plain realisation that causes of political struggle between the three nations remained as they had been in the previous period. The political approach also remained unchanged - the two well armed politically were still against the third poorly armed politically - one of the two was still openly hostile while the other remained an unfaithful friend - ready to work against agreements whenever expedient.

But it is very important to note that during this period, the battlefields and the weapons of our combat have changed - the valleys, the hills, the grassy plains of the Basotho land have now been replaced by Government offices; by advisory councils; by the government village meetings; by some of the business stations; all over the territory and by the press. In these places psychological and verbal battles, to force the Basotho down, are fought as vehemently as in the open fields of 1851-1883. The weapons to-day are no more guns or cannons - for even the cannon we see near the Secretariat in Maseru pointed towards Thaba-Bosiu remains there merely as a military symbol of the yet unconquered military objective - Thaba Bosiu - which is to us a symbol of military courage, a symbol of the unconquered Basotho land. The weapons of to-day are academic knowledge of the administrative and political relationship between the Basotho, the English and the Boers. The effective use of the pen, the ink, the paper, the platform and some propaganda are the weapons in operation to-day. And the English Officer of the battlefields is to-day replaced by the civil administrative officer - of whom Lord Harlech writes in 1943..... "Every Administrative Officer should clearly realise that his first function is that of a political officer ..... and only secondarily as a magistrate or office clerk ..... A good administrative officer must be first and foremost a good "intelligence" officer ..... He must be the ever-active eyes and ears of Government."

66 However/.....



However looking back over our political struggle, we leave 1884 and come to 1903. This year has two important events - first we see the convention in Bloemfontein in which the political leaders of the two British Colonies (Natal and the Cape) and the two conquered Boer Republics (Transvaal and the Orange Free State) as well as the Resident Commissioner of Basutoland representing Britain were present. The importance of this convention to us is that it tells how the English through their representative persuaded the Colonies and the Republics into a Union. The English declared that one of the many advantages relevant to such a Union would be that the English would then be prepared, in the future, to hand over the three protectorates to such a Union of the four provinces. But one of the Republican representatives could not imagine it happening as both the English and the Boers had hitherto failed, and by force of arms, to subdue the African Chiefs in these protectorates - but the British representative satisfied the convention that Britain would see to the problem of the Chiefs if they should turn out a hindrance. This British assurance to the Bloemfontein Convention in 1903 is more significant to-day, 50 years later, when we see what is happening in British Africa to Chiefs and leaders who are opposing British unifications, federations and imperial oppression and exploitation. In Swaziland where very little opposition to incorporation is expected there is very little trouble with the chiefs there - the paramount chief is styled King. In Bechuanaland the only enlightened chief of a more politically advanced province has been deposed and deposed for marrying a white girl which Dr. Malan views with hate. In Basutoland some principal and Senior Chiefs are being executed after murder trials in which men who are known by their own confessions to have killed cruelly are set free probably to continue the murders; and those chiefs, who in several cases have been declared never to have been present at the cruel murdering, are executed. In Nyasaland we find Chief Gomani, "who", according to Rev. Michael Scott, "had served the (British) Crown faithfully for many years, was suspended from his office and banished from his home and property without trial;" only because "With other African Chiefs, . . . . . Philip Gomani had expressed his people's opposition to Federation." (Scott). In Uganda we find the Kabaka deposed and deported also without trial because he seeks self-government for the Baganda and questions the British departure from their agreement in 1894.

The second significant political incidence in 1903 was that an advisory Basotho National Council was formed very much along the lines of the Transkeian Bunge. The Basotho were, without their realisation, to be advisers in their own political life. *(by the way note on no 7 of 1910 of which Basotho knew nothing).*

We should in passing make it clear that the talks and the promises by the British representative in the Bloemfontein Convention had never been intimated or referred to the Basotho. The Basotho had no knowledge that the annexation of their country to the Union - if formed - was, without their being consulted and without their consenting to it, being made one of the political prices to be gained by the white colonists and Republicans if they agreed to form the Union of South Africa. Further nobody at the time was aware that their Chiefs might have to be dealt with in such a manner that they would cease to be an impediment to the question of incorporation of their land into the Union of South Africa when the question would arise after the formation of the Union.



- 7 - (11)

Going now over the year 1903 happenings, the bureaucratic political war continues - the English with us and against the Boers also? but at us. We then come to the years 1909 and 1910 when the Union Act of South Africa was finalised and proclaimed - and immediately we see the 1903 British promise to the Unionists on incorporation strengthened by the British Schedule 151 which became part of the Union Act of 1909 wherein "The King with the advice of the Privy Council, may, on addresses from the Houses of Parliament of the Union, transfer to the Union the government of any territories,....., belonging to or under protection of His Majesty, and inhabited wholly or in part by the Natives,.....". Here a permissive commitment was made by Britain without the knowledge of the Basotho - but covering the Basotho and their land - the Basotho had only asked for the British protection and had engaged in wars just that what the English were in fact, promising in 1909 should not happen.

The Basotho have continued to oppose this threat of the annexation of their land since it was proclaimed - in 1913 we find a petition by the Principal Chiefs to the British objecting to the incorporation of their land into the Union. This petition put a special stress on the colour bar policy of the Union. In 1918 a representation was sent to England to pledge our loyalty and desire to remain under the British protection. It was in 1949 that the Paramount Chief sent out a petition to Britain against incorporation. In 1950, She went among other things to express our unwillingness to be incorporated into the Union. In 1953 The Basutoland African Congress entered the hundred and ten years struggle and one of its major aims is to fight incorporation.

While the Basotho were thus defending their political rights and their land, the old war waged on more ruthlessly in the offices in Maseru, in Pretoria, in London. The existence and the sad drama of this bureaucratic war was unknown to many Basotho. Only Khotla La Bafo under the leadership of Mr. Josiel Lefela knew about the existence of this war and that organisation has tried its best to educate the Basotho about the truth of it. But the governmental propaganda against the organisation has left many reading Basotho satisfied that Britain could never be engaged, with the Union of South Africa, in political negotiations that would undermine the independence of the Basotho from the Union of South Africa. So that the white papers on the negotiations regarding the transfer, the incorporation, the old age and much hated annexation of the Basotho land to the Union of South Africa came as a great shock to the Basotho when they were published in 1952. These papers disclose a gradual political softening of the English from their adamant anti-incorporation attitude as expressed, in 1906, in such strong terms, against the Union of South Africa, as:- (1) ".....pending any grant of representation to the natives..... no native authority now administered by the Governor High Commissioner will be placed under the control of any responsible Government". (2) "..... if a settlement of the Franchise question was regarded as unsatisfactory then the protectorates would not be handed over". (3) ".....if the Protectorates were to be included then the native people must find in the constitution such provision for their protection and for their interests that they should be induced of their own free will to be included in the new state about to be created". (4) "The obligation of His Majesty's Government to the tribes inhabiting Basutoland..... are obligations of honour of the



greatest weight. These tribes surrendered themselves under the dominion of the Queen Victoria of their own free will and they have been loyal subjects ..... ever since. (5) .... it is no question of policy we are discussing: it is a question of honour and one to which every section of public opinion in the United Kingdom Government and opposition alike, is keenly sensitive! And further Colonel Seely spoke of the Schedule 151 as not a promise but as permissive - he says "it (the Schedule) does not bring the transfer an hour ~~earlier~~ nearer. In fact it makes, more difficult ..... under its terms, transfer should it come, may well be hardly perceivable to the natives themselves ..... I (Seely) can assure the House that the wishes of the natives in the territories will be most carefully considered before any transfer takes place." Here the British attitude was so clear that in 1925 General Hertzog admitted that - "our position has always been as a party that we are not prepared to incorporate in the Union any territory unless the inhabitants of the territory are prepared to come in." ..... If they are not, very well, I am not prepared to have them incorporated into the Union."

These quotations show a stand that we all respect - but gradual change of political attitude was first reflected in Mr. Amery's talks with General Hertzog in 1927 - this is stated as what Mr. Amery said "..... it was decided that it would be best to leave the question of transfer in status quo until the native policy of the Union had settled down and that in the interim everything should be done to obtain a closer approximation on both sides of the development policies of the Union and the territories! This British change of attitude was further strengthened in the eyes of the Union by an impression given to Mr. Havenga in 1932 by Mr. I.H. Thomas, the Secretary of State for Dominion affairs, at Ottawa when Thomas gave an impression that he (Mr. Thomas) "had no fundamental objections to transfer, that he agreed that no other future for the Territories could be envisaged and that he agreed that the present time was opportune for settling the matter."

Mr. Amery's and Mr. Thomas' talks with the Union officials mark a stage at which the British begin to soften down particularly Mr. Amery's talks who is reported also as follows:- "Agreeing generally with the view I (Amery) suggested that the policy was a gradual closer approximation on both sides in development policy as regards white areas and in education, etc. as regards the natives so that incorporation when it came would come most naturally and easily. Meanwhile I (Amery) hoped that the two administrations would work together as closely and intimately as possible in every direction ..... and Mr. Amery further pointed out that "..... there was all the difference between a situation in which the natives are vehemently opposed and the House of Commons critical at any rate uncertain as to the native policy of the Union, and a situation in which the policy of the Union had been proved in actual working ~~sub~~ such as to satisfy the House of Commons that the natives would in effect not be substantially worse off. In such circumstances the House of Commons might well be prepared to disregard a comparatively mild objection and agree to the administration using its influence to persuade the natives into acceptance of the transfer."



Mr. Amery suggests that policies and administrations both in the Union and say in Basutoland must be approximated so that the Mosotho must see no deference in treatment in the two countries - the Union and Basutoland. But the native policy in was clear and set - it had reached a stage, it was proclaimed that there would be equality in state; equality in law; equality in church between the white and the black in South Africa. In 1935 we find Professor B. Keith stating; "..... there was moral obligation on the British Crown to obtain the consent of the people of the Protectorates before they were transferred to the Union. The constitutional position of the Union had changed substantially since union by passing of the Status Act and General Hertzog had committed himself to the doctrine of the paramountcy of the interests of the white race" and in the same year Chief Khama of the Bamangwato agrees with Professor Keith that "the security offered by the Schedule to the South Africa Act, 1909, no longer existed, virtue of the passing of the Status Act." He also made reference to the degrading "colour bar" and Degrading pass laws.

Here the Union was becoming more adamant and uncompromising in their policy of white supremacy in the Union of South Africa - yet the British had completely broken down - they were now seeking excuses and justifications to comply with the uncompromising Union demand and to hand us over to the Union. In 1933 a copy of a memorandum by the Secretary of State for Dominion affairs handed to General Hertzog with Amery's signature also appended reads as follows "Saw Mr. Thomas, Dominion's Office, ..... He (Thomas) hands me this typed document after having agreed with me that the Territories should be transferred and that the necessary steps should be taken by the British Government to instruct their officials that the necessary spirit should be fostered with the inhabitants of the Territories preparing them for transfer." The British had capitulated - their only worry then was to get a convenient way or an excuse to get across the solemn pledges in favour of the Union - but to act in such a manner that there would be no noises of protests from the Africans in the Protectorates. The English were indeed puzzling out how to effect the territories' incorporation so stealthily that "the natives will never know from anything that occurs to them that transition has been effected." And in 1933 Mr. Thomas' dispatch to the United Kingdom High Commissioner and the South African Prime Minister reads in part "..... the goodwill of the natives towards the Union Government and towards the Union policy should be won, so that, if possible, the natives should be got to look upon transfer as being in their own interests." In other words Mr. Thomas wants to work out a way in which the English could satisfy the Africans in the Protectorates that the Union's oppressive colour bar policy; the Union's social, educational, political, economic and territorial apartheid; the Union's disfranchisement of the Africans; the Union's efforts to take all the fertile land from the Africans and reserving it for Europeans; the complete loss of all political rights by the Africans in the Union and finally the rule of the gun and the sjambok which the Union Government has recently indulged in against the Africans - all these Mr. Thomas wants us to look upon as being in our own interests." And further suggests "..... It seems to me (Thomas) that the best method of achieving this end would be to work out methods of co-operation, the closer the better, between the Union



Government and the administrations of the territories ....."  
 Here Mr. Thomas agrees with Mr. Amery - the English now  
 seek means and ways of effecting incorporation on behalf of  
 the Union. In 1936 General Hertzog stated in the Union  
 House of Parliament "when I was in England last year (1935),  
 I again urged that the matter should be completed, and I  
 then got a definite assurance that the British Government  
 would use every effort to see that the transfer took place,  
 but that it was necessary to obtain the goodwill of the  
 natives inhabiting those territories. Then steps would be  
 taken by the British Government ...."

The steps the British Government had to take also appear  
 in the Aide-memoire of the 15th May 1935 prepared by  
 Mr. Thomas - among other things Mr. Thomas states: (1) .....  
 I added that I was sure that the right policy, especially  
 in dealing with the chiefs and their followers, was to  
 discourage agitation against joining the Union and to  
 concentrate on getting everyone, natives and Europeans alike,  
 to work for the success of such "co-operation measures as  
 might be found possible ...." ".....It will then be the  
 duty of officials in the territories to expound to the  
 chiefs and peoples the extent of the benefits which they may be  
 receiving through the goodwill of the Union." General Hertzog  
 encouraged by this succumbing British attitude and well  
 acquainted with the British political tactics stated in the  
 Union House of Parliament in 1936: ".... the representatives  
 of Great Britain in those territories, the officials there  
 rightly - no one can take an objection to it - put  
 themselves out to allow the natives to remain under the  
 impression that they would remain under British authority."  
 Although Mr. Cecil Pfordre took exception to these Hertzog's  
 impressions as to the true British stand, Hertzog  
 maintained that in his views it was a necessary implication  
 of the agreements in the aide-memoire that "instructions  
 would be issued to those officers to discountenance efforts  
 to influence natives against transfer and to assist loyally  
 and wholeheartedly in bringing to the notice of the populations  
 of the territories the benefits provided by the Union as and  
 when such benefits are conferred."

The capitulation of the British culminated in the  
 formation of a Standing Joint Advisory Committee by the  
 Governments of the United Kingdom and that of the Union of  
 South Africa in 1938. The committee was chaired by  
 Mr. E.C. Richards the then Resident Commissioner of Basutoland.  
 The joint conference had to work out a programme for  
 administrative co-operation between the two Governments and in  
 particular to prepare the native transfer.

The political life and death struggle continued in our  
 government offices and elsewhere. In 1938 proclamations were  
 made which among other things gave the English Resident  
 Commissioner more power - by that proclamation he ceased being  
 a mere liaison officer. A machinery was proclaimed in which  
 a chief could now be deposed or disallowed to take up after  
 his rightful predecessors as the custom and tradition of the  
 land allowed. In other words the status of chiefs was reduced  
 to that of the British Native Authorities who, in the words  
 of Lord Harlech in 1943, "..... are not parallel institutions  
 exercising inherent powers independently of any powers  
 delegated to them by the Government, but are in fact authorities  
 subordinate to the King's Government, recognised by the latter  
 as the agency through which it works."



"Indirect rule" therefore means what these words say, African Chiefs are subordinate and not Sovereign authorities. They are chiefs and Kings. They are agents and Sovereign authorities."

This reduction of the inherent powers of the chiefs as national authorities upon whom powers are delegated not by the Government but by people they represent and this deliberate and political non-recognition of our chiefs, as disclosed in Lord Harlech's speech, is so much of the chiefs' status and the policy of the Union Government that we are induced to take it as a part of that subtle programme of co-operation in preparing the Africans for the transfer by approximating the administrative policies - the weakening and the non-recognition of Chieftainship upon whom our treaties and agreements revolve would become such a great victory for the joint action of the Governments of Britain and the Union of South Africa for the planned transfers. Our chiefs are the guardians of our treaties and agreements with Britain - they are as it were our political 'white papers' where our negotiations and agreements are contained - we must be on the look out that our chiefs and chieftainship must not be weakened, overlooked or even wiped out all at once before we attain a legislative and executive status in our political advance - here the need is expressed that a legislative and executive Assembly should be pressed for by our Congress now. And again it is difficult to understand why Basutoland has no legislative and executive assembly while countries like Nyasaland, Tanganyika, Kenya and the like; which have an African population less literate than we have, have such powerful assemblies. If again this is no point of co-operation with the Union which, in the words of Dr. Malan in the recent Parliament session, would not tolerate another Gold Coast or independent African states in the neighbourhood of the Union of South Africa, it cannot be explained easily otherwise.

Closing up our review of the struggle, we come to 1946 when a Resident Commissioner attempted to mislead and educate the African leaders that Basutoland is a Colony and not a protectorate. In 1949 we see the Paramount Chief's petition to the United Kingdom. Among other things the petition objected to the use in our Civil Service of the white Union National - ~~the~~ are the Boer descendants now brought in to direct our affairs - just what we asked Britain to protect us against - but the Afrikaaners have practically seized our Civil Service and the Basotho sons and daughters are excluded from the important and responsible occupations and promotions in the Civil Service just in the identical manner in which the Africans in the Union of South Africa are treated. This again can only be explained in terms of the planned co-operation. And then in 1953 we see the birth of our Congress committed to the pursuit of this subtle beaurocratic war. The fight is now over 100 years and still involves the same three nations the Afrikaaners (Boer descendants), the English and the Basotho-who possess a rich and fertile land.



There are certain deductions that come out very clearly in this political struggle of the Basotho to keep their freedom - inter alia we may mention:-

1. The Basotho like many other African races had had great faith in Britain even when Britain clearly proved not to be playing straight with the Basotho; the Basotho adhered loyally to their allegiance and when we remember the 1843, 1845, 1848 Treaties between Britain and the Basotho; when we remember the circumstances attending the formation and the dissolution of the Orange River Sovereignty; when we remember the battle of Vervand in 1851 and the subsequent attack on the Basotho by the English who had treaties of allegiance with us; when we remember the abandonment of those treaties by Britain; when we remember the 1862 agreements between Mr. Orpen and Mr. Burrett for Britain and Moshoeshe and when we remember how Britain hesitated in favour of the Boers' opposition to send a Resident Commissioner to Basutoland; when we remember the circumstances attending the publication and also the substance of the 1868 proclamation; when we remember the circumstances attending the annexation of the Basotho land to the Cape in 1871; and when we remember the War of the Guns in 1880 in which we were being forced under the Cape Parliament; when we think of the orders in the council of 1883 and 1884; when we think of the year 1903 when the National Council was formed to reduce the whole nation to an advisory level and the idea of annexing Basutoland to the Union-to-be-formed was first to be declared by the British in Bloemfontein, unrequested and without our consent; when we remember the transfer negotiations between Britain and the Union from 1909 to 1953, when we see how Britain broke down as from 1925 to the point of co-operating with the Union to effect incorporation; when we see how our Resident Commissioners have always been used to work hand in hand with the Union to effect incorporation; when we remember that in 1939 war broke out only a week after the final draft of the Union memorandum on proposed and planned transfer as required by South Africa Act of 1909 and the Schedule 151 of the United Kingdom; when we realise that all these negotiations were government secrets; the Basotho did not know that such serious discussions were going on about the transfer of their land into the Union - everything was secretly done - documents under confidential cover pass from office to office between Maseru and London th rough Pretoria; and finally when we realise that Dr. Mahan encouraged by the British promises, has given a 5-year ultimatum for our land to be incorporated into the Union of South Africa - we shall all hold up our hands and cry out that truly we are dealing with a treacherous enemy in Britain. We shall have cause to suspect every white civil servant in this territory to be a political insider to effect the planned transfer. In fact Jori Mariken has written in 1943, "..... Every administrative officer should clearly realise that his first function is that of a political officer ....." and he goes on "A good administrative officer must first and foremost be a good intelligence officer ....." he must be the ever active and ward of Government."

Then if we look at the British policy in the past we shall only understand the position clearly if we



(17)

remember that the British Government might be committed to a policy of approximation of the administrations both in the Union and in Basutoland in preparation of the Basutho for the transfer of our land into the Union. We then understand why (a) the Africans are not given such education that fits them for high posts in the civil Service; (b) the Europeans are always paid much higher salaries than the AFRICANS even though the African may be more qualified, more experienced and more efficient than the European and doing precisely the same job. (c) the Europeans shall not serve under an African (d) all the key positions in the Government must be held by Europeans to keep secret such confidential communications as those on transfer. (e) the Europeans social and occupational status is bolstered up by the government everywhere - in offices; better houses; better furnished houses; government subsidised cars almost to every white civil servant; (f) colour bar is practised by our Government in Basutoland (g) pass laws - differentially and unlawfully administered against the Basotho (h) Pass laws for African women - (i) Efforts to crush out our Chieftainship - all these only make sense against us when they are understood as means of co-operation by our Government to approximate its policies to those unalterable and ever-stiffening anti-African policies of the Union Government - and all these to the end that the Basotho should never know from anything that occurs to them that transition has been effected. In 1943 Lord Harlech writes "..... whenever a native authority is either selfish; obstructive, or reactionary, there must be no hesitation in pressing for reforms ..... Legal power to suspend a recalcitrant native authority must exist, and if necessary be enforced." This is substantially an old policy of the Union of South Africa - and as it is in the Union, a "recalcitrant native authority" means an African leader (who may be a Chief) who does not agree to be an agent of government against the interests of his fellow Africans; who demands that solemn pledges, political agreements and treaties must remain respected as long as they remain unchanged by the parties concerned. Chief Lethuli's case in the Union of South Africa compares so well with the deposition and deportation without trial of the Kabaka of Uganda and Chief Gomani of Nyasaland. The same political weapon has been acquired through the 1938 proclamations made by British officials to favour British action even as Lord Harlech infers.

The question now is how to go round these practices which are designed to approximate policies in Basutoland and in the Union as a means to work out the transfer. Fortunately these practises are unlawful.

We must organise our Congress - must cause it to exert its influence in towns, in the villages, in churches, in the offices, in the homes, in the buses; in the trains and among the workers of all classes. We must influence other working organisations. We must expose the underground dealings of the Union and our government on this question of incorporation - people must be given political education on this issue - the cruel and the inhuman treatment of the Africans, Indians and Coloureds in the Union must be exposed to the Basotho in all walks of life - to the Chiefs and to all people who might have some influence.



We must have our political theoreticians to write and expose the political ruination of the Basotho in the hands of the Government we had so much faith in. And to this end we need (a) money - money to run a Congress office - money to run a press to disseminate our protests and to expose the British departures from our treaties and agreements - money to send men to Europe, to America, to Russia, to India or to any other place to spread propoganda - particularly in England where our political stand must be made clear to the British people and their men of Parliament - money to organise - money to have independent Congress Organisers - to have a standing legal aid. We must remember that we are fighting against monied governments - governments into which we pay our taxes to pay the white administrators who are first and foremost political officers and intelligence officers against us. (b) numbers - we must put a numerical membership target each year. While the whole country - congress or no congress men must be aware and clear of our aims and activities - we must have numbers of disciplined members; (c) a programme of action against incorporation and discrimination and to work out ways to self-rule. In the English we are working with an old people - people who themselves are not free - they are controlled by their own political fears and are faced with great political disruptive forces such as, i. her colonial losses in Asia ii. Economic life and death struggle with America iii problems of hunger, poverty, unemployment, overcrowding in Britain itself. iv. Fear of Communism. British political attitude in Africa is dictated uncompromisingly by these realities. That explains why the British colonial policy in Africa is political expediency and certainly not on justice. For instance - it has not been just for Britain to turn against her agreements with Basutoland but it has been politically expedient for Britain to do so; it has not been just for Britain to transfer without the knowledge of the Baganda, the country of Uganda, from the Commonwealth Relations Office to the Colonial Office in 1900 - in this way turning against agreements with the Baganda - and subsequently treating them as dependent colonial people - but we must conclude that to turn against those 1894 agreements was politically expedient to Britain. It has not been just for Britain to deport Seretse Khama for marrying a white girl but it was expedient for Britain to do so in order to carry out her plans and to approximate her policies to those of Dr. Malan; it has not been just for Britain to force the Central African Federation against the Africans but it has been expedient to do so to counteract the growing Union's power and the American growing interests in Africa as a whole; it has also not been just for Britain to deport the Kabaka of Uganda without trial when he sought self-rule for his people and when he pointed out how Britain had departed from their original agreements of 1894 - that again must have been expedient for Britain to do; it was also not just that Chief Gomani of Nyasaland should have been arrested, deposed and deported in a very provocative manner when, on behalf of his people, he opposed the Central African Federation - but we must believe that for political and economic reasons it was expedient for Britain to force it through. It was certainly not just for Britain to allow colour bar discriminatory practices to be perpetrated in the colonies and the Protectorates but again this must have been expedient for Britain; and still more it could never have been just that Britain should have entered negotiations and schemes with



the Union of South Africa purporting the incorporation of the Africans without their knowledge and without their expressed consent but this must have been expedient to Britain. Shall we then, as a probable likelihood that the executions of Chiefs in Basutoland is as unjust as the deposition and the deportation of the Kabaka of Uganda; the deposition and the deportation of Chief Gomani of Nyasaland without trial? - yet might it not be a matter of political expediency?

It does seem as though in 1868, the Basotho did, in fact fall out of a political frying pan into a political fire. The Basotho must be prepared to fight out their legal relations with Britain in courts - but our courts are British courts which use the British proclamations which have been made from time to time to cover and to protect the British policy - we shall feel justified to say so when we think of the wording of the 1868 proclamation; when we consider the 1884 proclamation made without consulting the Basotho and without their consent; when we consider the proclamation that allows the Basotho to discuss the High Commissioner's proclamations but cannot force him to repeal them when he does not feel like doing so. And further the British courts have British judges and prosecutors - shall we be over-suspicious if we were to ask: are they not also probably committed to a policy wherein political expediency in legal proceedings rides over justice and legal procedures? - Yes while we are fighting it out at home - under the British flags - let us also shout out for help from other powers of the world. It must be clear that we love to lead a free political life under the British flag; we are certainly not anti-British; Britain has protected us; has grown and shown us some light; let us be thankful to Britain. But all that does not justify Britain's secret negotiations of to-day with the Union of South Africa against us. As I say, we are not anti-British but we are pro-justice and pro-independence. And since it seems Britain does not give us fair play particularly on these questions of incorporation and self-rule, let us prepare a memorandum now to submit to the United Nations Organisation which has set itself, has through its declaration of Human Rights, "in the rule of international law and justice, ..... and the development of backward territories and colonial peoples".

International courts are there for us - and as belonging to the group of backward territories, the United Nations doors of International courts should be open to us. We have history in our favour; we have world opinion in our favour and above all we have justice on our side. We must teach the Basotho and the Chiefs that our country is a protectorate and not a colony.

We oppose the incorporation of our protectorate into the Union of South Africa - and we declare the transfer negotiations between the British Government and the Government of South Africa as unlawful and we do not recognise them.

ntou omohele  
President General  
Basutoland African Congress



NATIONAL SECRETARY'S ANNUAL REPORT

Delivered by Mr. N.M. Nts'ekhe at the 1st National Conference of the Basutoland African Congress held at Maseru on the 1st, 2nd and 3rd January, 1954.

MR. PRESIDENT, LADIES & GENTLEMEN,

This is the secretarial report for the first National Conference of your Congress. For convenience the report has been set out under five main heads, as follows: I. Organisation; II. Administration; III. Political and Economic; IV. Education and V. Activities, each of them dovetailed into various sections and subsections.

I. ORGANISATION

1. MEMBERSHIP

The National Executive fully appreciates that the success of your organisation depends upon the support of the masses. The subject of membership thus came to the forefront of the business of this Committee immediately after the birth of the Congress. The Working Committee of the Congress immediately initiated a series of inaugural meetings for each district of Basutoland, starting with Butha Buthe, Leribe, Mats'ekheng, Teyateyaneng, Maseru, Mafeteng and Mohale's Hoek. As far as those parts of the country which are accessible by road are concerned, nothing alone has not so far received a touch of the Congress. With this district, however, there is the Mountain Area, which comprises Mokhotlong, Qacha's Nek. This area, as you know, is very difficult of access, except by air or arduous road trips. With the very limited funds at our disposal the Working Committee decided to suspend operations in order to mobilise resources. In this connection I should draw attention to the fact that practically all the district trips were privately financed by members of the Working Committee save on two only occasions when Congress funds were used to buy petrol for urgent Committee trips to Maseru. This facility was made possible, in particular, by Messrs. G. Surtie, A. Sally and Dr. Cindi, whose cars soon came to be known as "Congress Cars". To them I have to express greatest appreciation on behalf of your organisation and I feel sure I have your full support in thanking them.

It will be clear, therefore, that our major task - membership - is by no means complete. It is now proposed that, with the help of this Conference, the Mountain Area should be tackled seriously. Useful resolutions dealing with this question will be highly welcome. For reasons that will be stated presently, I cannot now submit accurate membership figures, but I am happy to state that reasonable estimates would show that your organisation now has the support of no less than 2,000 fully subscribed members.

2. BRANCHES

(a) Basutoland: As mentioned elsewhere in this report, inaugural meetings were held in various districts to establish district branches. In this way, seven district branches were formed by the Working Committee and District Committees were set up to organise their entire districts independently of the Central Committee. Specific were issued to these district committees to establish, in terms of the Constitution, as many branches as possible under district level. Several branches were thus formed by Maseru, Mapoteng and Leribe District Committees. Of the other districts I have little knowledge as these have not sent me regular reports as expected. It is necessary to repeat that branch presidents and secretaries are earnestly requested to submit these reports at least once every quarter, along with lists of new members whose names have to pass through the National Register. Failure to do this renders the National Register incomplete, hence our total membership has not been precisely compiled as indicated above.



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**RECORDS RELATING TO THE 'TREASON TRIAL' (REGINA vs F. ADAMS AND OTHERS ON CHARGE OF HIGH TREASON, ETC.), 1956 1961**

**TREASON TRIAL, 1956 1961**

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