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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE  
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE FIFTIETH MEETING

Held at Headquarters, New York,  
on Friday, 11 May 1962, at 3.30 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. JHA	(India)
later,	Mr. COULIBALY	(Mali)
<u>Members:</u>	Mr. PLIMSOLL) Mr. CURTIS )	Australia
	Mr. CALMEROM MEASKETH	Cambodia
	Mr. GEBRE-EGZY	Ethiopia
	Mr. NATWAR SINGH	India
	Mr. ZITO	Italy
	Mr. RAKOTOMALALA	Madagascar
	Mr. COULIBALY	Mali
	Mr. SOLTYSIAK	Poland
	Mr. RIFAI	Syria
	Mr. MALECELA	Tanganyika
	Mr. Taieb SLIM	Tunisia
	Mr. ULANYCHEV	Union of Soviet Socialist Republics
	Mr. THOM	United Kingdom of Great Britain and Northern Ireland
	Mr. BINGHAM) Mr. BLAKE )	United States of America
	Mr. SILVA SUCRE	Venezuela
	Mr. ILIC	Yugoslavia
<u>Secretariat:</u>	Mr. PROTITCH	Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories
	Mr. CHACKO	Secretary of the Committee

BASUTOLAND, BECHUANALAND AND SWAZILAND (continued)

At the invitation of the Chairman, Mr. Mokhehle, National President of the Basutoland Congress Party, and Mr. Ramoreboli took seats at the Committee table.

Mr. MOKHEHLE (National President, Basutoland Congress Party), continuing his statement, described the events which had precipitated the war between the Basotho and the British in 1880. The objective of the British had been to administer the Territory directly, exercising control over legislation, administration and land allocation. They had based their action on an 1868 Proclamation which the Basotho had rejected, and the Basotho, for their part, had invoked a pronouncement of Chief Moshoeshoe made in 1862, which the British had accepted. The Basotho had resisted for three years. The war had ended in 1883 in the defeat of the British, who had failed in their attempt to conquer the Territory.

In 1884, the British and the Basotho had again agreed to co-operate. The Basotho had accepted the introduction of "magistrates" and the general guidance of the British, but strictly in the terms of Moshoeshoe's declarations of February 1862 and April 1868. The British had agreed to those conditions and had decided to maintain the authority of the chiefs in order to use them as an agency of rule. In implementation of that policy, the first British Resident Commissioner, Sir Marshall Clarke, had received instructions from his Government to encourage the Basotho to establish internal self-government.

Even before the peace talks of 1883, the Basotho had demanded that a Basutoland Council should be instituted on the basis of the 1862 pronouncement of Chief Moshoeshoe. The Council had ultimately been established in 1903 and had met regularly every year since 1908. All through the years, the Basotho had made efforts to achieve self-government and the British had sought to acquire ruling powers. In 1911, Chief Motsoene had stated that it was time for the Basutoland Council to become a legislative and executive organ and, in 1919, Paramount Chief Letsie II had also demanded a wider measure of self-government. Those efforts had come into conflict with the British policy designed to replace government by control from below by government by control from above. In pursuance of that policy, the British had attempted in 1938 to use the influence

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Basutoland Congress Party)

of the Paramount Chief with little or no reference to the people, thus creating serious political unrest. But the British policy had proved to be self-defeating. In 1943, the Basutoland Council had passed a resolution requesting the High Commissioner to make a declaration undertaking to consult the Paramount Chief and the Basutoland Council before issuing proclamations affecting the administration and welfare of the people until such time as Basutoland had its own Legislative Council. That declaration had been made by the High Commissioner and the Paramount Chief and, since then, determined efforts had been made to achieve self-government. In 1953, two resolutions under which Basutoland would have the right to pass its own laws had been unanimously adopted by the Council. The present legislature, which was hardly satisfactory, had been established in 1958, when the 1938 Proclamation of indirect rule had been abolished. The present position was that the United Kingdom Government no longer administered the Territory directly or indirectly.

The Basotho's demand for immediate independence was based on the following considerations: 1. The British had usurped the powers of the Basotho by their unilateral Proclamation of 1868, which the Basotho had never accepted; 2. During the war of 1881-1883, the British had resorted to force in an attempt to maintain the powers they had usurped; 3. The 1881-1883 hostilities had annulled any treaties or agreements which might have existed previously between the British and the Basotho; 4. In 1884, the Basotho had accepted British protection on the basis of Moshoeshoe's pronouncement of 1862, which the British had likewise accepted; 5. The instructions of the British Government to its first Resident Commissioners showed that the British had clearly understood that their authority was recognized by the Basotho only as a means of leading them towards self-government. After seventy years, however, the British had not succeeded in that task; their presence was therefore merely an obstruction and they should consequently transfer all the powers of government to the Basotho; 6. The British had betrayed the trust of the Basotho when they had annexed Basutoland to their Cape Colony in 1871 despite the expressed opposition of the Basotho, thus precipitating the war of 1881-1883 in which many Basotho had been killed.

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(Mr. Mokhehle, National President,  
Basutoland Congress Party)

Later, in 1910, the British had secretly included a clause in the South African Union Act providing for the incorporation of Basutoland in the Union of South Africa.

The United Kingdom, with its enormous financial commitments in the Republic of South Africa, could not simultaneously serve those interests and the cause of the political independence of Basutoland.

Moreover, British rule was not morally justified. The way in which the British had dealt with the repeated demands of the Basotho and their attitude towards the provisions of the United Nations Charter and the Universal Declaration of Human Rights disqualified them. Their presence in Basutoland was merely a means of entrenching themselves politically and economically. They were subjecting the Basotho to repressive measures, using tear gas against them and torturing political prisoners, all actions contrary to the rules of justice and humanity, the principles of the United Nations Charter, the Universal Declaration of Human Rights, and to the provisions of paragraph 4 of General Assembly resolution 1514 (XV). Finally, the British had no moral right to guide the Basotho in view of the inhuman racial discrimination they practised in social and judicial matters.

For those reasons, on behalf of his countrymen, he requested the United Nations to urge the British to enter into negotiations with a view to granting immediate independence to the Basotho, which they deserved as a nation and to which they were entitled as human beings.

Mr. Mokhehle and Mr. Ramoreboli withdrew.

At the invitation of the Chairman, Mr. J.J. Nquku, President of the Swaziland Progressive Party, took a seat at the Committee table.

Mr. NQUKU (President, Swaziland Progressive Party) recalled that the first contacts between the Swazi and Europeans had occurred in 1845. The first Europeans to come into contact with the Swazi had been the Voortrekkers, Boers, who had entered Swaziland to escape British rule. Swaziland in those days had covered a great portion of Eastern Transvaal, extending in the west up to what was now Bethal, in the east to the Indian Ocean, and in the south to the borders of Zululand. On entering the country, the Boers had requested permission from

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King Mswazi to graze their stock, and the King had assigned certain areas of land to them. The Boers had regarded that gesture as a concession of the land. One of them, Conraad Vermaak, taking advantage of the King's ignorance, had even alleged that the King had signed a document giving him ownership of land covering the whole of Hlatikulu District. That concession had been contested by every Swazi king and by every generation of the Swazi people ever since. Moreover, such a concession had not been possible in a country where individual ownership was unknown and where, consequently, the giving away of land was inconceivable. The Swazi had always considered that Swaziland belonged to the Swazi people and to all, irrespective of colour or race, who paid allegiance to Swaziland. They would never be satisfied until that land was returned to them. In that connexion, it should be added that the Swazi had wanted to bring the case concerning the land covered by the alleged concessions to Vermaak before the Privy Council in 1960. Because of certain influences, that step had not been taken.

The British had followed the tracks of the Boers. By 1875 there had been an influx of British and Boers seeking to grab land claimed as concessions of King Mbandeni. But King Mbandeni had only leased the land in question for periods varying from fifty to 100 years, so that by now most of the leases had expired. It had been calculated that the alleged concessions claimed by the settlers would cover an area exceeding the whole area of the country. But in fact none of the Swazi kings had ever alienated land, and King Mbandeni had made clear written reservations, which stated that the land had not been given away but only leased.

Upon the arrival of the British, the struggle of the Swazi people against foreign domination had entered a new phase. The British and the Boers had used the Swazi as pawns in their conflicts. Moreover, they had tried to rouse the Swazi against the Bapedi, in accordance with the familiar policy of "divide and rule". Already in 1864 the Boers had promised to grant the Swazi protection in return for an alliance against the Bapedi. The rout of the Bapedi had only

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Progressive Party)

strengthened the position of the Europeans and weakened Swazi resistance, and eventually the Swazi had been subdued. The British had resorted to the same stratagem in 1880. They had promised to give protection to the Swazi against the Boers, but their purpose had been to control the Swazi and rob them of their land.

Ten years after King Mbandeni's accession to the throne, the Boers and the British had begun to quarrel among themselves about the alleged concessions. Chaos had threatened the country. King Mbandeni had called upon Theophilus Shepstone, and a measure of order had been re-established. In 1888, however, an adventurer named Allister Miller had urged the settlers to rebel against Shepstone. King Mbandeni had been compelled to dismiss Shepstone from office. The settlers had then gotten the upper hand, and in order to maintain order King Mbandeni had commanded Miller to draw up a charter to control the Europeans. That had been the beginning of the European Council to advise the King, which had done so much to aggravate the suffering of the Swazi up to the present time.

After the death of King Mbandeni in 1889, there had been a wave of unrest, and the British Government had decided to set up a court of arbitration to settle disputes concerning the alleged concessions. In 1890, with the setting up of a condominium on which the Swazi had been represented in theory only, the settlers had been able to carve up Swaziland as they pleased. Ultimately, the British and the Boers had drawn up an organic proclamation, and had tried to get the Swazi to agree to it. The Swazi had refused to sign that proclamation, but it had been imposed on them in 1894, when the British had handed Swaziland over to South Africa. The proclamation had given South Africa dictatorial powers over Swaziland, and the deputation sent to Great Britain by the Swazi to protest against the injustice done to them had failed to obtain redress.

In 1898 Prince Bunu had ascended the throne. That same year the Swazi had sent a deputation to London to raise with the British Government the land question and the matter of the oppressive rule of the Boers over Swaziland. The British

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had refused to listen to the deputation, and the Swazi people had then realized that the British Government, their supposed protector, had worked hand in hand with South Africa in a plot to exploit the land and its people.

In 1899 the Boer War had broken out. The Swazi, hoping for the return of their land, had supported the British. When the war had ended with the defeat of the Boers, the British Government had taken over responsibility for the administration of Swaziland. Prior to that time, King Mbandeni, not being able to collect rent and taxes from the alleged concessions, had given two Europeans a power of attorney to recover those revenues for him. When they had entrusted South Africa with the administration of the country in 1894, the British had compelled South Africa to pay the King the rent and taxes, but when they had taken over in 1902, they had refused to pay on their own account, and that had done much to shake the confidence of the Swazi in the justice and honesty of the British. The racial situation had been so aggravated that the Swazi were still suspicious of any move by the Europeans and there was no mutual trust today between the Swazi and the Europeans.

In 1907, to protest against the concessions partition proclamation, which had left the Swazi only one-third of their land and had awarded one-third to the British Crown and one-third to the European concession-holders, the Swazi had sent a deputation to London. But His Majesty's Government had refused to listen.

In 1909, when the Union Act had been signed between the Boers and His Majesty's Government, the British had committed the Swazis, without their consent, to the incorporation of Swaziland into the Union of South Africa. In 1924, 1926, 1927 and 1935, the Union Government had pressed hard for the fulfilment of that promise. Moreover, in 1928, when the border between the Transvaal, Mozambique and Swaziland had not yet been determined, the Swazi territory surrounding the town of Namahacha had been ceded to the Portuguese by the United Kingdom Government in exchange for a sum of money, without the consent of the Swazis. All those arbitrary acts constituted a scandalous betrayal of Swazi interests by the so-called "protecting" Power.

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(Mr. Nguku, President, Swaziland  
Progressive Party)

In 1956, King Sobhuza had petitioned the United Kingdom Government, demanding reversion to him of all mineral rights. The United Kingdom Government had refused. The Swazis were maintaining their claims on that score and were all the more justified in doing so because in Basutoland and Bechuanaland agreements on mineral rights had been concluded with the Paramount Chief of the country, whereas in Swaziland the British had refused to grant such rights to the Swazi King. The Swaziland Progressive Party accused the Protectorate Government of having allowed land-grabbing that was unparalleled in the history of the British Empire.

In Swaziland there were currently 250,000 Swazis and about 10,000 whites. Although the Swazis constituted an overwhelming majority, they owned only half the land. Even to obtain that, they had had to keep sending deputations to London. The Swazis were overcrowded on their land and had no hope of getting redress. As reported in the Press, Africans were suffering from famine. In London, the Oxford Group had voted about £17,000 to help the people of the Territory. The unfair distribution of land was at the root of the Swazis' misfortunes. They had been given land that was impenetrable, inaccessible and unfit for human habitation.

The administration of the Territory was based on the outmoded system of indirect rule. The Protectorate Government was advised by two bodies: the European Advisory Council and the Swazi National Council, both purely consultative organs whose advice the Government could reject. All the key posts were held by Europeans, most of them nationals of the Republic of South Africa. No African held an executive post and those who could were excluded from any participation in national affairs. The United Kingdom Government still intended to recruit inexperienced young Europeans from overseas to occupy administrative posts, thus denying Swazis the right to be trained to take over such posts.

The United Kingdom Government, like that of other colonialist countries, maintained that Africa and the Africans were not yet ready for independence. But the Swazi people claimed the right to decide who was brought into the country to work in the Government in order that the people might be able to receive training for a secure future, a stable government and a peaceful transfer of powers. They also demanded the implementation of a policy of Africanization in the civil service.

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Swaziland Progressive Party)

In 1960, a constitutional committee had been appointed by the Protectorate Government and the Swazi King. Its dealings, which had been secret, had lasted a year and its findings had not been published until March 1962. They were contained in a report which the Swazi people considered absurd and valueless, for it tended to strengthen the economic and political privileges of the Europeans to the detriment of the Swazis' rights, while ignoring completely their desire for independence and for a new social order. The type of Government proposed was out of step with the trend of events in Africa. He deplored a certain tendency to regard the Swazis as children whose fate had to be decided by Europeans and with whom the Administration could act as it chose.

Swaziland was economically rich and its industrial potential was tremendous. But only the Europeans enjoyed its wealth; they monopolized its economic power while the poverty-stricken Swazis were employed as the hewers of wood and drawers of water, being exploited to the point of starvation.

Racial discrimination had inspired such laws as the General Immigration Law and the African Immigration Law, as well as the establishment of a Native Affairs Department, disguised as the "Department of Swazi Affairs", which dealt exclusively with the affairs of the indigenous inhabitants, whereas in truth there should be one policy embracing all residents regardless of colour or race. In the matter of education, the official reports continued to show the Swazi people as backward and incapable of progress, whereas in fact it was the British system of domination, discrimination and exploitation which prevented the Swazis from gaining opportunities for primary, secondary, technical and professional education. Although schools were provided in the urban and rural areas where the Swazis lived, nothing was done for the children of indigenous inhabitants living in European-owned farm areas. Only half the school-age children in Swaziland had the chance of an education. For European children, education was free and compulsory, for Swazi children it was neither. The United Kingdom Government spent an average of £75 a year on the education of each European child but only £28 for each coloured child and £5 for each African child.

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The health services were woefully inadequate while exorbitant sums were spent on roads and transport.

To sum up, the Swazi people claimed the restoration of their land together with its minerals. They demanded an international investigation by the United Nations to study the situation, to verify the charges made against the Administering Power, and to examine the question of Swaziland's borders as they were determined by past treaties and agreements. A plebiscite should be organized in order to ascertain the wishes of the people and a date should be set for the achievement of independence. As for the United Kingdom proposal to establish a constitution unacceptable to the Swazi people, he requested the Committee to adopt a resolution inviting the United Kingdom Government to renounce the plan. He was ready to give members of the Committee copies of two documents containing his party's counter-proposals. As the dignity and human rights of the Swazi people had been shamelessly violated the situation must be corrected and brought into line with the principles of the United Nations Declaration and the Atlantic Charter.

Mr. Nguku withdrew.

At the invitation of the Chairman, Mr. Matante, Vice-President of the  
Bechuanaland Peoples Party, took a seat at the Committee table.

Mr. MATANTE (Vice-President, Bechuanaland Peoples Party) thanked the Committee on behalf of his party and of the people of Bechuanaland for having granted him the opportunity of being heard.

Bechuanaland, a so-called protectorate, had been under British rule for seventy-three years and was administered by a High Commissioner whose official residence was in South Africa. Since 1871, three kings of Bechuanaland had petitioned the United Kingdom Government for protection against the depredations of the Boers, but without result. Conflict between the Boers and the British had led to the protectorate system, proclaimed in 1885, and in 1891 the United Kingdom Government had begun to appoint a High Commissioner. In 1962, that antiquated system was still being followed and the policy of apartheid was being practised. Geographically the country was particularly favourable to the

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settlement of Europeans and, out of a total area of 275,000 square miles, only 102,000 square miles was allotted to Africans. The Europeans paid a poll tax which entitled them to vote, while the Africans who paid a hut tax had no right to vote. To crown all, 16,000 square miles of land allocated to Africans had been leased to investors of the Colonial Development Corporation for cattle-rearing.

It was known that the colonization of Africa had first had the goal of exploiting that continent as a vast human game preserve. Since then the exploitation had merely changed its form. For example, the British, despite the diversity of governmental institutions which they had bestowed on their colonies and despite their use of such terms as "self-government" and "self-determination", were in fact supporting new forms of colonialism aimed, through investment, at exploiting the resources of the country.

It was significant in that connexion that Bechuanaland had never had a High Commissioner living in the country. All the High Commissioners had resided in South Africa. Despite various promises and official denials by the United Kingdom Government, it had always appeared certain that the latter would one day hand over Bechuanaland to the settlers in South Africa. That prospect had continually hampered the territory's development, as the main concern of the Administration had been to ensure that it did not become a charge on the United Kingdom taxpayer. Consequently Bechuanaland had become a mere reservoir of cheap labour for South African settlers.

On the question of administration, it should first be noted that the proclamations defining the powers of the tribal administration had in fact been imposed from above on the tribal chiefs, in violation of the protectorate agreement. From 1920 until 1950, there had been a European Advisory Council and an African Advisory Council. In 1950, they had been replaced by a Joint Advisory Council, consisting of eight whites plus seven white government officials and eight Africans. The unofficial white members had been elected by the white electors and the African members had been appointed by the High Commissioner. When, under pressure from the African representatives, the decision had been made to consider establishing a Legislative Council, the Joint Advisory Council had set up a

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Constitutional Committee consisting of the Resident Commissioner, six official white members, two unofficial white members and four Africans. The Constitution worked out by that Committee had maintained discrimination, since it had provided direct elections to the Legislative Council for white and Asian settlers, but had only provided indirect suffrage in general for the Africans. The franchise qualifications for Africans differed from those for whites. Africans required a longer residence and the women did not have the vote. The Bechuanaland Peoples Party was demanding universal adult suffrage in accordance with the Universal Declaration of Human Rights.

The new Legislative Council consisted of thirty-six members. Seven appointed officials, three ex-officio members, two appointed non-official members and ten elected members represented a population of 3,000 European settlers. One Asian represented a population of 200 Asians. The Africans, numbering 335,000, were represented by two appointed non-official members and ten elected members.

Thus, in an overwhelmingly African territory, the European minority had a two-thirds majority in the Legislative Council, which enabled the white settlers to control the entire nation.

The Executive Council consisted of three ex officio members, all white, two white official members, two white appointed members and two appointed Africans.

Political parties had only recently been established, as the Government had for many years suppressed all political activity. The Bechuanaland Protectorate Federal Party, formed in 1959, had been almost immediately paralysed by the appointment of its leader to an administrative post. The Bechuanaland Peoples Party, which he himself represented, had been formed in 1960. Although it had a following of 50 per cent of the population, it was not represented in the Legislative Council. The Administration was hampering its activities. For example, it did not allow civil servants, who included a large proportion of the youth of the country, to take an active part in party politics; it was disseminating publications against that party, and it had established within the Legislative Council a new party, the Bechuanaland Democratic Party, which was supported by the entire administrative machinery.

(Mr. Matante, Vice-President,  
Bechuanaland People's Party)

In the matter of education, despite the progress recorded in official reports, the primary schools in the African villages were still tribal schools, and fees were imposed owing to insufficient government aid. There were only three secondary schools, one vocational training school and one teacher training school.

There were very few scholarships for Africans and they were accompanied by humiliating and discriminatory provisions. Moreover, since 1958 South Africa had refused to receive students from Bechuanaland. Consequently the territory had virtually no trained doctors, lawyers or any members of the liberal professions.

The same discrimination was to be observed in public health administration. There were no more than five government hospitals, with fewer than ten white doctors and no African doctors. The wards and the treatment were separate for whites and Africans, and the Africans had to pay a fee for every consultation. There were no tuberculosis hospitals. Malnutrition existed throughout the country, owing to forced labour and low wages.

Seventy-five per cent of the national income was derived from cattle-rearing. Periods of drought and epidemics of foot-and-mouth disease had reduced the country to poverty.

Co-operative societies and agricultural co-operatives were not being encouraged, because of the presence of a large number of European farmers and traders in the Territory. All kinds of methods were used to prevent Africans from engaging in trade; they were only allowed to sell their cattle to white buyers, at a price fixed by a company some of the directors of which were members of the Legislative Council.

Nevertheless the Territory had extensive mineral resources which would enable the country to industrialize rapidly.

The Africans were faced with segregation on all sides, whether it was railway travel, accommodation in a hotel, eating in a restaurant or using the postal service.

Similarly, when a white person was in arrears with payment of his taxes, he was usually simply summoned to explain the reasons for the delay, whereas an African was usually given a prison sentence. There were prisons - extremely costly ones - for Africans, but not for white people, to whose crimes the Administration usually closed its eyes.

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Bechuanaland People's Party)

The people of Bechuanaland considered that the United Kingdom Government could no longer "protect" it or ensure respect for its rights without exploitation, discrimination and colonial domination. It hoped that an investigating committee could be appointed to promote a change in the constitutional status and to fix a date for the country's independence.

The people of Bechuanaland therefore appealed to the United Nations to use its influence with the United Kingdom Government and the settler administration for the immediate abrogation of the existing Constitution and the convening of a constitutional conference, in which the whole people of Bechuanaland would be represented, to draft a constitution instituting universal suffrage.

The people of Bechuanaland also demanded the immediate abrogation of the privilege of dual citizenship enjoyed by white South Africans in Bechuanaland.

Mr. Matante withdrew.

The meeting rose at 5.25 p.m.