INTRODUCTION

Chief Tshekedi Khama, Regent of the Bamangwato, whose territory spreads over about 1/3rd of the 275,000 square miles of Bechuanaland, was authorised by five other chiefs to approach the British Government on behalf of their people to oppose the incorporation of the Mandated Territory of South-West Africa in the Union of South Africa. On instructions from the British Government he was refused shipping priority to travel to Britain with his legal adviser for this purpose.

The opposition of the six Bechuanaland Chiefs is founded on the basic argument that the incorporation in the Union of South Africa of South-West Africa will ultimately lead to the incorporation of Bechuanaland itself. It is argued that this would mean economic ruin for Bechuanaland, and the native Tribes of the territory, because of the increasingly restrictive legislation affecting the Union and because this legislation is a direct negation of one of the fundamental principles of the San Francisco Charter.

The Bechuanaland tribes, looking to the great mineral and agricultural potentials of their land, say that the future development of their territory, to benefit the inhabitants of it, lies not in incorporation with the Union, but in having a Free Port on the West Coast of Africa, giving their land a free access to the sea.

The document which follows this introduction gives the facts of the case, together with arguments which it is difficult to refute. Briefly, the Bechuanaland tribes concerned would prefer to remain under British protection or come under the United Nations Organisation rather than be transferred to the Union Government which has been responsible in years past for legislation which cannot by any manner of means be construed as in the best spirit of trusteeship over the native peoples of South Africa.

CONTENTS

CHAPTER ONE: Memorandum to the British Secretary of State for the Colonies from six Chiefs of the Bechuanaland Protectorate — Kgari Sechele, Chief of the Bakwena; Mokgosi S. Mokgosi, Chief of the Bamalete; Tshekedi Khama, Chief of the Bamangwato; Sedumedi Gaborone (for Chief Matlala) of the Batlokwa; Moremi III, Chief of the Batawana; Bathoen II, Chief of the Banwaketse.

CHAPTER TWO: The present position of the South-West Africa Mandate.

CHAPTER THREE: The San Francisco Charter: Bechuanaland has the right to be heard on the proposal to incorporate South-West Africa in the Union of South Africa.

CHAPTER FOUR: The case for the Native People of South-West Africa. The Migration of the Herero and how it has affected the Tribe's well-being.

CHAPTER FIVE: Legislation in the Union of South Africa. Anti-Native tempo increased since Mandate.

CHAPTER SIX: The Union Government's attitude to South-West Africa. Obvious desire for territorial aggrandisement.

CHAPTER SEVEN: The demand for a free and open route to the West Coast. Bechuanaland declares that this is a reasonable request.

CHAPTER EIGHT: Bechuanaland's case for a free and open route to a free West Coast African Port.

CHAPTER NINE: Conclusions.
To:
His Excellency, the High Commissioner for
Basutoland, Bechuanaland Protectorate and Swaziland.
Parliament Street,
CAPE TOWN.

Our Friend,
We have the honour to enclose a Memorandum which we earnestly desire to be sent to the British Government, with a request that it be placed, through the proper diplomatic channels, before the Trusteeship Committee of the United Nations Organisation at its next sitting in September, 1946, or whenever the Mandate of South-West Africa comes up for consideration:

And we respectfully request that Your Excellency be graciously pleased to transmit by cable the contents of such Memorandum to the Secretary of State.

We have the honour to be,
Your Friends,
Kgari Sichele,
CHIEF OF THE BAKWENA TRIBE.
Mokgosi S. Mokgosi,
CHIEF OF THE BAMALETE TRIBE.
Tshekedi Khama,
CHIEF OF THE BAMANGWATO TRIBE.
Sedumedi Gaborone,
CHIEF OF THE BATLOKWA TRIBE.
Moremi III,
CHIEF OF THE BATAWANA TRIBE.
Bathoen II,
CHIEF OF THE BANWAKETSE TRIBE.
MEMORANDUM

1. We, the undersigned, Chiefs of the Bechuanaland Protectorate, on behalf of ourselves and our respective Peoples, having regard to the present world situation particularly as it affects this Protectorate, feel that we should be failing in our duty to our Government, our Peoples and our children, as well as to the good name of the British Empire, unless we immediately make a clear stand in conjunction with all men and nations who wish to see peace in our time and the success of the United Nations Organisation.

2. We wish to voice our feelings as a People who, by virtue of their present stage of progress, are not yet able to stand by themselves and therefore whose well-being and development form a sacred trust of civilisation.

3. For a long time past we have never failed to record our protest against any suggestion for the inclusion of the Bechuanaland Protectorate into the Union of South Africa. We continue to receive the assurance that if and when the Government of the Union of South Africa make any move to that end, the Native People of the Bechuanaland Protectorate will be fully consulted. Confident in the belief that the British Government would not transfer the administration of our Territory to the Government of the Union of South Africa against our wish, we have held our hands because of a sense of loyalty in wishing not to embarrass our Administration under the control of the Dominion Office whose duty it is to keep on the most friendly terms with those neighbouring territories under its aegis. As a result, the position of the Bechuanaland Protectorate has reached a climax.

4. We are deeply concerned about the future of our country and more particularly with regard to its Industrial and Agricultural development. It would appear that there is considerable mineral wealth in the Territory as yet untapped, and iron and coal fields have recently been discovered and favourably reported upon by the Colonial Office Geological Expert. The Union Government has itself explored ... and a member of the Union Cabinet has reported to the Union Parliament on the great possibilities that lie in such area. The Colonial Office in the allocation of funds available under the Colonial Development and Welfare Act, 1945, has set aside two and a half million pounds for the development of the High Commission Territories of South Africa. It appears to us, therefore, that so far as our Territory is concerned, we are at the dawn of an era of industrial development.

5. But the future development of the Protectorate depends upon free and unfettered means of egress from, and access to, our Territory. At the present time no such free route exists. The existing railway line through the Protectorate is owned and controlled by the Rhodesian Railways in conjunction with Union Government Railways. It is neither in the interest of the Union Government nor of the Government of Southern Rhodesia to assist in the development of our Territory, in fact, the policy of the Union has been, and is, the negation thereof.

If, therefore the Government has in view that this Protectorate should stand on its own feet and be politically and economically independent of the Union, the securing of an open route would be a most essential and tangible form of achieving this purpose. The natural route from the Territory lies through South-West Africa to the Atlantic and now that the future of South-West Africa is under consideration, we move that this is the opportune occasion to decide this problem for all time and any delay at this stage will be fatal to our well-being and development.

6. The Mandate for South-West Africa was granted to the Union in 1920, subject to the following condition:—

"The Mandate shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory, subject to the present Mandate."

Since 1920, the Native Policy of the Union Government has steadily and progressively deteriorated against the African, and it is difficult to see how the Union can be expected to fulfil the above condition. If South-West Africa is made an integral part of the Union of South Africa this would we submit, amount to a repudiation of the purpose of the original Mandate.

7. It may seem presumptuous that we, Chiefs of the Protectorate, should urge that South-West Africa be not transferred to the Union of South Africa, but we, as Africa Peoples, are not uninterested. There are presently living in our country displaced persons, Hereros and others, who were persecuted and driven out of their country by the Germans. In addition to those mentioned, a number of South-West Africa natives have since taken refuge in the Bechuanaland Protectorate during the Union’s Mandate through fear of the Union’s Native Policy, and all of these would return to their native lands in South-West Africa if the purpose of the Mandate were being duly fulfilled.

8. We, therefore, urge that South-West Africa should be kept a separate entity from the Union of South Africa for all time in view of that Government’s declared policy of racial discrimination as recorded by their Prime Minister during the debates on the recent Asiatic Act, when he confessed:—

"We are following a well-known South African principle, we are following the practices and principles which have been adopted by us, which have been approved here in Parliament, practically unanimously and which we regard as essential to the structure of our complete society in South Africa. Fundamentally, the principle of separate land tenure and residence, and of separate political representation for Indians are the same here in this Bill as in the case of the Natives, and the aNtive legislation which is already in force in this country."

9. The Bechuanaland Protectorate is vitally interested in the future of South-West Africa. A glance at the map will show the importance of this matter and the fact that South-West Africa and the Protectorate have a common boundary of some four hundred miles and more, and if South-West Africa is to become part and parcel of the Union of South Africa, we, as a Territory, would then be barred in not only from the South, East and North, but from the West, and our only hope for a free and open route would be lost to us, and the economic development of the Territory strangled at its birth.
10. We submit that His Britannic Majesty should be given a direct Mandate over South-West Africa, or at least over the northern portion thereof from 25 degrees (latitude South) so as to provide the Bechuanaland Protectorate, and incidentally Rhodesia, with free access to, and a free port on, the West Coast of Africa and an opportunity for the Displaced Persons to return to their homeland.

11. In view therefore, we submit the only course open to the Trusteeship Committee of United Nations Organisation is to revoke this Mandate, and give it directly to His Britannic Majesty so that South-West Africa may be dealt with in terms of the British White Paper whose aim is identical with the above quoted purpose of the Mandate, and which purpose is being effected in the adjoining territory of the Bechuanaland Protectorate.

WE RESPECTFULLY REQUEST
That the British Delegation to United Nations Organisation make on our behalf the following representations to the Trusteeship Committee of United Nations Organisation at its next session:

(a) That South-West Africa be not incorporated in the Union of South Africa;
(b) That the Mandate of South-West Africa be handed over directly to His Britannic Majesty, failing that, to the United Nations Organisation;
(c) That the Bechuanaland Protectorate be granted a free and open route to a free West Coast Port;
(d) That the case of the Displaced Persons presently in the Bechuanaland Protectorate be given consideration.

Kgari Sechele,
CHIEF OF THE BAKWENA TRIBE.

Mokgosi S. Mokgosi,
CHIEF OF THE BAMALETE TRIBE.

Tshekedi Khama,
CHIEF OF THE BAMANGWATO TRIBE.

Sedumed Gaborone,
CHIEF OF THE BATLOKWA TRIBE.

Moremi III,
CHIEF OF THE BATAWANA TRIBE.

Bathoen II,
CHIEF OF THE BANWAKETSE TRIBE.
We, Chiefs of the Bechuanaland Protectorate, on behalf of ourselves and our respective Peoples, hereby empower **Chief Tshekedi Khama** of the Bamangwato Tribe to be duly assisted by **Advocate D. M. Buchanan, K.C.**

to consult in South Africa with His Majesty's High Commissioner for Basutoland, Bechuanaland Protectorate and Swaziland, and thereafter to proceed to England on our behalf and consult with His Majesty's Government in Great Britain and with any other person or persons whom they may deem advisable, and to represent us generally and enter into arrangements on our behalf in connection with the future of our Territory and the economic and political development thereof; and generally to do and perform all acts, matters and things in connection with the aforesaid as fully and effectually to all intents and purpose as we might or could do if personally present and acting therein.

IN WITNESS WHEREOF we have hereunto set our hands at Mafeking on this the 29th day of April in the Year One Thousand Nine Hundred and Forty-six, in the presence of the subscribing witnesses.

AS WITNESSES:
2. P. M. Sebina.

---

**Kgari Sechele,**
CHIEF OF THE BAKWENA TRIBE.

**Mokgosi S. Mokgosi,**
CHIEF OF THE BAMALETE TRIBE.

**Tshekedi Khama,**
CHIEF OF THE BAMANGWATO TRIBE.

**Sedumedi Gaborone,**
CHIEF OF THE BATLOKWA TRIBE.

**Moremi III,**
CHIEF OF THE BATAWANA TRIBE.

**Bathoen II,**
CHIEF OF THE BANWAKETSE TRIBE.
THE PRESENT POSITION OF THE SOUTH-WEST AFRICA MANDATE

The legal position is by no means clear, according to Field Marshal Smuts, who was largely responsible for the framing of the Mandate. (See Chapter Three). The United Nations Charter does not do very much to help, either, and for this reason we refer here only to those portions of the Mandate which bear on the present issue.

Before the First World War, South-West Africa was a German Colonial possession. It was occupied by Union troops, “but the King’s Ships kept the sea and transported or safeguarded the transport of the troops that attacked from the seaboard.” The Union troops remained in military occupation until 1920, and thereafter the future position was determined by the Treaty of Versailles. In terms of Article 119, Germany renounced in favour of the principal Allied and Associated Powers, all her rights and titles over her overseas possessions, including South-West Africa.

The Covenant of the League of Nations, which was incorporated in, and formed an integral part of the Treaty of Versailles, provided (Article 22) that

“To those colonies and territories which, as a consequence of the late War, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.”

Thereafter the principal Allied and Associated Powers agreed that in accordance with Article 22 “a Mandate should be conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Union of South Africa, to administer the territory aforementioned, and they proposed that the Mandate should be formulated in the following terms . . . . .

The Mandate also recited that “His Britannic Majesty for and on behalf of the Government of the Union of South Africa, has agreed to accept the Mandate in respect of this territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions . . . .

There was still a further recital to the Mandate, namely that any “degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations.”

Thereafter the Council of the League of Nations defined these degrees. The most important are:

Chapter Two.

Article 2:

“The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory, subject to the present Mandate.”

Article 6:

“The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the work assumed under Articles 2, 3, 4 and 5.”

Article 7:

“The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate . . . 

On 1945, the Charter of the United Nations was signed at San Francisco, California. It was ratified by the Government of the Union of South Africa on the 7th of November, 1945, who thereby become bound by the terms thereof.

Until a Trusteeship Agreement, in terms of Articles 77, 79 and 81, is entered into by the Union and other parties concerned, placing South-West Africa under the International Trusteeship system of the Charter, nothing in the International Trusteeship system chapter shall be construed in itself to alter or in any manner the rights whatsoever of any states or any peoples or the which members of the United Nations may respectively be parties.

We submit, therefore, that the existing Mandate is at least morally binding on His Majesty, the Union Government, the inhabitants of South-West Africa, and all members of the United Nations Organisation who were parties to the original Mandate of the 17th December, 1920.

We submit the position of the Mandates, including a Mandate like South-West Africa, under the United Nations Charter can be summarised as follows:

1. Existing mandates continue in full force and effect save that the parties bound by the Mandate are now those parties to the original Mandate who have since become members of U.N.O.

2. The collective body of such powers is now the Trusteeship Council of U.N.O. (in other words the annual reports by the Mandatory powers should now be sent to the Trusteeship Council).

3. These existing mandates or international agreements are only to continue in force until the new agreement by all parties interested has been framed in accordance with the Trusteeship system as set forth in the United Nations Charter.

4. Such new agreements will be drawn in such a way as to make the Trusteeship principle originally recognised in Article 22 of the League of Nations, more effective e.g. by periodic inspection etc. as adumbrated in U.N. Charter chapter dealing with Trusteeship system.
THE SAN FRANCISCO CHARTER

BECUANALAND HAS THE RIGHT TO BE HEARD ON THE PROPOSAL TO INCORPORATE SOUTH-WEST AFRICA IN THE UNION OF SOUTH AFRICA

When the Union of South Africa's Mandate over the former German territory of South-West Africa was created, it was a fundamental principle that all nations should be brought into one family, and that equal laws of freedom should apply to every man. That was also a basic principle which was universally accepted when the United Nations organisation was created.

To fulfil this principle, and ensure its continuance, it was accepted that all advanced nations should see that backward nations were helped to full stature and that they should receive help and protection from all advanced nations. Bearing this in mind, the Mandate was in no sense given to the Union for the benefit of the Union but as a duty on its part to advance the betterment of the indigenous inhabitants, all nations great or small, advanced or backward, have an equal interest, right and responsibility in seeing that this fundamental principle is carried into effect.

As a territory abutting for over 500 miles on the Eastern border of South-West Africa, (although by error the petition says 400 miles), Bechuanaland Protectorate per se has a locus on the question of the disposal and welfare of its neighbour, South-West Africa.

It must be remembered that the three High Commission Territories of South Africa of which the Bechuanaland Protectorate is one have in the last twenty years been repeatedly involved in uncertainty about their political future. The future of the Bechuanaland Protectorate will be seriously prejudiced by any ill-considered action taken now and intended to alter the present legal position of so close a neighbour as South-West Africa.

A particular duty has been placed on the Authorities in the Bechuanaland Protectorate to assist the 14,000 odd African displaced persons (Hereros) now living in their midst to be rehabilitated to their native land of South-West Africa and it therefore becomes a duty on behalf of these persons to see that the principles implicit in the Mandate are made really effective in South-West Africa.

The annexation of South-West Africa to the Union would mean the closing of the "open door" which exists under the Mandate for the inhabitants of the Bechuanaland Protectorate to make full and free use of their natural Port on the West Coast of Africa. That this open door exists has never been disputed, and particular attention was directed thereto in an official report by Mr. J. L. S. Jeffares, the special commissioner appointed by the Southern Rhodesia Government, on the Rhodesia-Walvis Bay Reconnaissance Survey for the Southern Rhodesia Government. His report declared:

"One would imagine that the outlook is sufficiently serious for the Rhodesias, Rho-

It is doubtful also that in dealing with these international affairs the question of strict law plays any important part. Indeed, General Smuts, Prime Minister of the Union of South Africa recently approached the subject in the following manner:

"Essentially, the matter before us is a simple one, but can be made a most difficult and an almost insoluble problem. The trouble is this, that we are arguing round what is essentially a new concept in international law, that is mandate status. It is something which was never found in the old books, and it was a new concept, and in trying to understand what this mandate status means you can embroider the subject, you can introduce almost insoluble questions. You can raise the most difficult phenomena. I am not going to be drawn into these discussions. I think I would be making a mistake if I got drawn into all the legal conundrums in dealing with this subject. It is too difficult, it is too intricate to be discussed in this House, and it is not necessary to do so... Therefore I am going to confine myself to the factual position, to the real position as it is in fact, and not so much to the legal theories, the legal conundrums and technicalities you can weave round the subject... I am going to confine myself to the subject itself and the facts."

From the foregoing we submit that the Bechuanaland Protectorate is so vitally interested in the Mandate, and the due and proper fulfilment of its obligations by the Mandatory Power as to have an indisputable locus standi, quite apart from the provisions in Article 79 of the San Francisco Charter, in the framing of any new trusteeship agreement. The Bechuanaland Protectorate (under the protection of Great Britain) claims Great Britain too to be a "State directly concerned" in protecting Bechuanaland interests in this connection.

In Article 79 of the San Francisco Charter the words "States directly concerned" obviously do not refer only to the territory to be placed under the Trusteeship Council nor are they limited to the Mandatory Power as it is expressly included amongst such states.

We submit this phrase must include inter alia:

(1) Any state who was a party to the original Mandate;

(2) All states who are members of the Trusteeship Council of UNO.

Our submission is that the locus standi of the Bechuanaland Protectorate in respect of the continuance, termination or variation of this Mandate cannot be challenged.
THE NATIVE PEOPLES OF SOUTH-WEST AFRICA — THE CASE FOR THEM:

The Migration of the Herero and How it Has Affected the Tribe's Well-Being

For the purpose of this memorandum it has been considered advisable to give detailed data wherever available from the official publications of the Government of the Union of South Africa.

The territory is always regarded as being divided into the Police Zones and the Unpoliced Zones.

The latter, comprising Ovamboland, Okovango, Kaprivi Zipfel and the Kaoka-veld, are said to have a native population of 150,000, the largest tribe being the Ovambo who are estimated to number 107,000 alone.

The various tribes making up this total area are: *(1936 census):

(1) The Nama numbering about 20,000 whose original territory was between the Orange and the Swakop Rivers.

(2) The Herero and Abanderu numbering about 24,000 the boundaries of whose territory were never defined but were generally regarded as being the Ugab River in the North, the Swakop and the White Nosab Rivers in the South and the land between and to the East of this area, and the ocean in the West.

(3) The Berg Damara, said to have lived in “Hereraland” and numbering about 25,000.

(4) The Bastards, people of mixed breeding—European—Native—Malay—are said to have been located along the Orange River, trekked North until they reached the region of Rehoboth and obtained land from the Nama; these people number about 9,000.

(5) The Bushmen, numbering about 5,000 who are found along the North of the Orange River and along the edge of the Namib Desert and the Kalahari Desert.

(6) The Ovambo numbering about 7,000 and scattered throughout the Police Zones.

*By now, the population has increased all round by about 8 per cent.*

SETTLEMENT, ADMINISTRATION AND EDUCATION

Ovamboland.

“There were no officials stationed in Ovamboland during the German Regime. The Ovambos were left to themselves. The Germans apparently did not supervise or interfere with their method of Government. It was only after the occupation of South-West Africa by the Union of South Africa in 1915 that Ovamboland was placed under a Native Commissioner...” (1)

“The system of government in Ovamboland is one which is left entirely to the natives... they set rules according to their own laws and customs... The Government officials are there only to see that justice is carried out and that no intertribal frictions or troubles shall arise... We have no uniformed police.”

“The Commissioner is assisted by two assistants one of whom is stationed at the Office as a Junior Clerk and the other at another station. There are about 14 native police; true we call them police boys but they are more messenger boys than police boys.” (1).

“The education of the natives in Ovamboland is entirely in the hands of the Missionaries; some of the schools, but by no means all, receive grants from the Government. Altogether, the Government spends £200 annually on education in Ovamboland, and there is no European inspection or supervision of the schools.” (1).

The official view of the future of the Ovambo is expressed in consecutive Official Year Books of the Union as follows:

Ovamboland according to the Year Books “creates a potential labour recruiting field for the future.”

OKOVANGO AND KAPRIVI

“The natives in these two areas are governed like the natives in Ovamboland under the system of Indirect Rule... there is only one Commissioner placed in charge of these areas with no assistants... There are nine mission stations in the area, and what we said about education in dealing with Ovamboland will apply to the Okovango area also.” (1)

THE NAMA

“The Hottentots of whom there are about 20,000 in South-West Africa are scattered all over the country living and working on farms and in the villages but they are mainly to be found in the South of the territory where there are several Hottentot reserves.” (1)

“The youth are educated in numerous schools and although they have no compulsory education yet they have made notable progress. The Government supports these missionary schools in such a way as was impossible for the Missionary Associations. The Government further has these Nama Schools inspected by its inspectors and supports the work of training and developing the native teaching staff.” (2)

BERG DAMARA

“Of the Damaras... of whom there are about 24,000 in South-West Africa there is not much to be said. Before the advent of the white man they were the hewers of wood and drawers of water for the Hereros. Today they are the servants of the white man on farms and in the villages. They are scattered all over the country and are to be found in the locations mixed up with other non-Europeans.” (1)

BASTARDS

“There are about 8,500 Bastards, a people of mixed European and non-European descent— who live apart in a community of their own in the Rehoboth Reserve, south of Windhoek... It will be enough to say that the Bastards had lived there before the Germans came to South-
They have a council elected by themselves to regulate their affairs in accordance with a written constitution known as 'Ancestral Law'. The magistrate of Rehoboth presides over the council because by the law of the territory the functions of their chief are vested in him. They thought they would be better off owing to the superior status in relation to natives which the coloured persons enjoyed in the Union.

They have excellent land and more than enough of it, good schools and missionaries and Government officials only too anxious to help them, but like most of the other non-Europeans in South-West Africa they have yet to learn how to function properly in a settled community under civilised conditions.

THE HERERO

It is not disputed that of all the native tribes of South-West Africa “the Herero came into severest conflict with the Germans and as a result suffered the most.” How did this catastrophe befall these people and not the others? The reason is not far to seek, and again the answer is provided by extracts from the Official publications of the Union of South Africa.

Comparing the Nama with the Herero, the Commission appointed by the Union Government in 1936 to enquire into the Administration of South-West Africa (and headed by Mr. Justice van Zyl) says:

“They (Nama) were backward and unimpressive in appearance and as they spoke and discussed their position with us they appeared to be equally backward and unimpressive in the development of their character and intellect. There is nothing of the fine presence nor of the force of the character of the Herero.”

In another official publication the Government of the Union of South Africa placed before the League of Nations the following description of the Herero:

“If the Herero would only allow themselves to take the place assigned to them in South-West, they could rank as the foremost people amongst the native races of the country, equipped, as they are, with excellent qualities both of body and character, and might become a blessing to South-West. As it is they are a source of anxiety both to the Government and to the European settlers.”

It has also been explained in this publication that the Damara, although as many as the Herero, “were hewers of wood and drawers of water for the Herero before the advent of the white man in South-West Africa.”

In another official report of the Union Government it is stated:

“In the Kaokaveld, lies the original home of the Tjimba. These are impoverished Hereros who did not find it a paying proposition to follow the more opulent Hereros on their former nomadic migrations with their less numerous cattle.”

From these official descriptions it is reasonable to assume that the Hereros suffered most because they understood and resented most the effects of the laws and servitudes which an alien Government imposed on them. Before their contact with the Europeans they were a well organised tribe. They had developed their own civilization. In attempting to preserve this they came into conflict with stronger powers and they were mercilessly broken up and scattered.

As a powerful tribe who dominated all the native peoples of South-West Africa except the Nama, the Hereros naturally resented the limitation of their powers and privileges and the vesting of these in a foreign Government and its foreign people. It is a common argument advanced by the European powers that the primitive tribes resent the curtailment of their privileges because they fail to appreciate that the Government protects the life and property of the individual, however poor, in order to provide the greatest liberty for all and that the only difference between the old and the new is that the new is “controlled liberty.”

These are all plausible theoretical arguments which cannot stand criticism if viewed in the light of actual facts.

This note takes up this challenge by illustrating the fallacy of this argument with the case of the Herero people.

Herero Migration from South-West Africa to Bechuanaland Protectorate

In 1904, the Herero war of rebellion against the Germans was fought. The Herero were defeated and toward the end of that year, many of them were compelled to seek refuge in the neighbouring territory of the Bechuanaland Protectorate. The following extract is taken from a letter written by the recognised Paramount Herero Chief at the time—Samuel Maherero—to a Resident Magistrate in Bechuanaland, in the country of the Batawana. The letter is dated September 28, 1904:

“I ask help from Queen Victoria. In olden times my father was friendly with the English Government and on this account I came to the English Government for succour and request permission to live in their country. I now ask you to have mercy on me and help me in my heavy trouble.”

This letter in fact followed the Secretary of State’s despatch to the Bechuanaland Protectorate Administration dated May 3, 1904, in which he stated:

“It appears to His Lordship that His Majesty’s Government cannot be expected to prevent the Hereros from entering British territory should they so desire or to take any steps with a view to expelling them when once they have crossed the border; at the same time he is of opinion that it would be well to caution the local authorities not in any way to encourage these tribes to change their allegiance.”

When the power of the Herero was broken by the Germans the German Officer in charge issued this statement; dated October 2, 1904:

“Everyone who delivers one of the captains as a prisoner in one of my stations receives 1,000 marks and he who brings Samuel Maherero 5,000 marks. The people of the Herero must leave the country every one of them. If the people do not do so I will force them with ‘Groot Rohr’ (Great Tube). Within the German frontiers every Herero with or without arms, with or without cattle will be shot down.” (Signed Trotha).
On May 30, 1905, the total number of Herero refugees in the Bechuanaland Protectorate was officially recorded as: men 290, women 450, children 435; total, 1,175 people.

In 1906, with the permission of the British authorities in Bechuanaland, some of these refugees, including their Chief Samuel Maherero, were brought into the Transvaal by Union Native Labour Recruiting Agents so as to be near the labour field and land was provided for them there. (3)

The reason behind this migration to the Transvaal was that the Herero were left in a bad way when the war was over, they had lost their property and were a starving community. The Bechuanaland Protectorate Government had considered it was for the best of the Herero for them to migrate to where they could receive food. For them work on the mines was considered the correct solution in the circumstances.

Later in 1906, the number of the refugees still in Bechuanaland Protectorate was officially recorded as 700. Frederick Samuel Maherero, son of the chief on whose head a price of 5,000 marks was placed, stated:

"In 1914, during the First World War, I (Frederick) was called upon with 30 of my people to go to our native land and lead the people there in the war because of our knowledge of that country. (They were then in the Transvaal). We were to be paid £3 per mensem while engaged on military service, and we were promised that if the Germans were defeated and the country captured from them it would be given to us to live there. When the war came to an end the promises which were made to us were not fulfilled. When we asked for the papers containing those promises we were told to wait and be patient. Then because we did not get what we were promised — namely to return to our native land — we decided to come to the country of the Bamangwato where we found a Government which is different indeed in its attitude towards and its treatment of the native races. Even now those of our people, the Hereros, who live across the Limpopo smart under many irksome restrictions and conditions, and have no peace except perhaps those who have hired out their services to the farmers there." (i.e. in the Union).

It is interesting to compare this statement with the Union Government official statement prepared for placing before the League of Nations in 1928:

"At the conclusion of peace at Korab in 1915, South-West was handed over to the Administration of the Union. The Hereros eagerly watched coming events. Lord Buxton, the Governor-General of the Union, visited South-West Africa. He addressed the natives at all important centres and on each occasion promised the Hereros the old freedom along with great possessions of land and unlimited herds of cattle. That was all they longed for. They laid down their work on many farms in order to make sure of being taken up again. The land for the Hereros should be partitioned. A great confusion ensued. Everyone who could acquire cattle by hook or crook did so. But the partitioning of the country was not effected in the way the Hereros expected. The Reserves set aside for the aged and those incapacitated for work, were not as extensive as had been expected. The farmers, moreover, remained on their farms and other farmers arrived. This was not expected either." (2)

With regard to those who remained in South-West Africa the following provisions have been made for them by the Union of South Africa:

"As far as the possession of land is concerned it must be said that since the Herero War 1904-'07 the nation owns no tribal territory. The Reserves were free assignments on the part of the German and Mandate Governments, and private acquisition of land is not possible." (2)

And in another report:

"The Aminuis and Waterberg reserves which we visited, furnish good evidence of what has been done for them. There ample good grazing land has been provided for them. Boreholes have been sunk and pumps erected, dipping tanks had been put up and dairies established to enable them to dispose of their surplus dairy products for their own financial benefit. The Waterberg reserve for instance, is 623,000 hectares in extent with 3,954 inhabitants (2,054 women and children) who possess 18,292 large stock and 20,343 small stock and the Government has spent out of public money £7,375 on boreholes in the Reserve. Through the establishment of the Reserves like Aminuis, Waterberg and others a great deal has been done for the material advancement of the Hereros." (1)

"We would also point out that in alienating Crown Land for the purposes of land settlement, the administration should have due regard to the future needs of the non-European population, in respect not only of land held communally by them but also of land required for individual tenure by persons sufficiently advanced therefor." (1)

It is important to emphasize here that the Herero were forced by the Germans in the manner described above to migrate into Bechuanaland and South-West Africa was later declared a Mandated Territory, with a charter that provided:

"The Mandatory Power shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory."

In the case of the natives, "Reserves" were created for their settlement, and the balance in practice was claimed as "Crown Land" and portions thereof used for European land settlement on an individual tenure basis. It is significant, also that European settlement was not for the Europeans domiciled in South-West Africa but for strangers introduced from the Union and Angola, practically all of Afrikaans extraction. The Union of South Africa imported from Angola over 300 families of the Angola Boers and settled some of these families on the land which formerly belonged to the Herero and Abanderu in the districts of Gobabis, Otjiwarango and Grootfontein. From the Union of South Africa, 1,200 families were imported to South-West Africa.

In these cases, a family was given a farm of nearly 32 square miles in size whilst the Herero family was in practice given about 3 square miles on which to make a living i.e. 2,400 square miles (623,000 hectares) for 3,994 people or about
799 families. The Herero has also to pay an annual cattle grazing fee for the cattle farmed under these difficult conditions, and he himself alleges that the land given in the above described manner is of poor quality.

The Herero interprets this as an action of the Union Government to keep the number of his stock down so as to force him to hire his services to the white man on the farms and the mines, whilst the Government argues that the reduction of stock is necessary to prevent overgrazing etc. In view of the declared purpose of the Government of the Union that "the reserves were set aside for the aged and those incapacitated for work," Herero grievances of shortage of the land cannot be regarded as unreasonable and frivolous. Indeed it is the declared policy of the Union Government to its native peoples that all able bodied men must be kept in a state where they will be forced to work for the white people at the mines and on the farms. This was specifically and officially said in the case of the Herero—"the men will not sell their cattle, and are too lazy to work and earn money in that way; they, especially the young men, idle away their time in the reserves." (1)

For Herero education it is recorded that "The Herero have no missionaries in their reserves, and areaverse to having missionaries there; consequently there were no schools there either. The Administration, with their co-operation, arranged to open a Government School at their Aminuis Reserve early in this year (1936). It will be the first of its kind, and it will be interesting to see how it will answer." (2)

Official statements summed up the position well when they said:

"Has the Herero nation gained or lost by the dawn of civilisation? The Herero, even the well disposed will contend that a loss has been suffered and it cannot be denied that the time of the old boundless freedom belongs to the past." (2)

"If the proud Hereros can be successfully brought so far as to become reconciled to the course of historical events without cherishing the ideal of being capable of reversing the wheel of history, they will certainly be called to take one of the foremost positions amongst the nations of South-West. But if they haughtily decline the opportunities offered them for developing and working themselves up and persist in wishing to live an isolated life, according to their own ideas, there are distinct signs that brutalisation, degeneration, childlessness, rapidly increasing sexual diseases, bodily debilitation in consequence of spirituous native drinks, will end their digging their own national grave." (2)

CONCLUSION

To sum up the position of the Herero from these authoritative quotations:

Under the German Rule they were not allowed to possess any cattle and a price was placed on their heads. This was subsequently withdrawn, "but by the Herero tribe had been reduced to 15,000 starving cattle and 40,000 had perished." It does not appear that the Herero acquired any confidence in the German administration thereafter.

Under the Union Mandate the Herero were confined to "Reserves" primarily set aside for the aged and those incapacitated for work, but it does not appear that any thorough or comprehensive scheme for rehabilitating the Herero has been put into force. On the contrary they have been permanently ousted from some of their best land by the settlements of alien Europeans. We have found no evidence that the Mandatory Power has made any provision for those natives who are "sufficiently advanced" to be given individual land tenure. This would indicate that the white settlers were not too advanced as the Act under which the Europeans were settled in South-West Africa was applicable "only to persons of limited means, who would not otherwise be able to farm on their own account".

It may be noted that the Union Government provided £524,000 to finance the settlement of the aforementioned Angola Boers.

At the beginning of this chapter we gave the population of the various native tribes of South-West Africa and reproduced extracts from the Union Government's Blue Books to show what the Union Government was doing for these people in the way of their material advancement. We will leave it to our readers to decide for themselves as to how the Mandatory Power has provided for the material and moral well-being and the social progress of the inhabitants of the Territory in South-West Africa. Particularly noting, however, directed to the relative position of the natives of "Bantu" origin as against those of the Nama and the Bastards. More attention has certainly been given to the two latter tribes. This is in accordance with the Union policy towards its non-Europeans which is—to put it in that Government's own words, "the superior status in relation to natives which the Coloured persons enjoy in the Union."

Is the Herero thirst for more land and his inability to settle contentedly in South-West Africa in the land set aside for him unreasonable and a mere craving for the "boundless freedom" which belongs to the past? In the light of the facts stated above we leave the answer to our readers.

By annexing South-West Africa to the Union, the Union Whites will obtain a further advantage from the rape of the Herero lands by the Germans, and will never fulfil the undertakings given by Lord Buxton or carry out the "Trusteeship Principle" implicit in the Mandate.

It must be noted that the population of the Herero and Abanderu refugees in Bechuanaland has risen from 700 people in 1906 to about 14,000 people in 1946. This migration has taken place even during the time when South-West Africa was a Mandated Territory.

In Bechuanaland the Herero has proved himself a loyal citizen and a cattle farmer of high standing. This description was well emphasised when in 1938, a dispute arose between a section of the Herero tribe (about 1,500 men, women and children) and the Batawana tribe of Bechuanaland and a suggestion was made that the Herero might be settled on European farmlands. Bechuanaland traders made effective representation to the Government of the Bechuanaland Protectorate that everything possible should be done to restore peace between the two tribes because if the Herero left Batawana country the wealth of that country would be lost. It is significant, also, to note that although this case took a long time to settle the Herero never made any request to return to South-West Africa and today they are still in the Batawana country of Bechuanaland and living in peace.

(2) "The Native Tribes of South-West Africa"—a book prepared by the Government of the Union of South Africa for presentation to the League of Nations.
LEGISLATION IN THE UNION OF SOUTH AFRICA

ANTI-NATIVE TEMPO INCREASED SINCE MANDATE

Since 1920, when the South-West Africa Mandate came into being, the anti-native implication of legislation passed in the Union of South Africa has become more and more apparent. It is now becoming stronger than ever as the native, in spite of all legislative and administrative restrictions, is increasingly becoming an efficient competitor in the field of industrial labour.

The general purpose of this legislation and administrative regulation is to make it more difficult for the native to find employment (except on the mines and farms) save as an 'indentured' labourer.

The various acts and regulations are so well known that it is not necessary here to mention more than a few. One of the first and worst after the Mandate was the "Colour Bar Act" which was aimed at preventing a native from handling machinery and so becoming a skilled artisan.

The biggest setback in the Union, and more particularly in the more liberal Cape Province, occurred when General Smuts entered General Hertzog’s Coalition Government and so enabled General Hertzog to get his trilogy of Native Bills passed in 1936. (1) the Native Franchise Act, (2) the Native Land Act and (3) the Urban Areas Act.

The measures took away from the native in the Cape Province (1) his right to buy, hire or occupy land wherever he chose and confined him to restricted areas; (2) his right to be on the Common Voters’ Roll, his representation being limited in the House of Assembly to three European members in a House of 153 members and (3) his right to sell his labour (his main if not only asset) where he chose in the best available market by restricting his movements.

As an example of the Legislature’s attempt to keep the Native out of industry we refer to the Industrial Conciliation Act, No. 36 of 1937, which excludes from the definition of “Employee” well over 90% of the African Labour force merely because they are natives, with the result that the Minister of Labour refuses to recognise a Trade Union or to implement any agreement negotiated between white employer and black employee in terms of the Act.

As an example of Administrative action affecting natives we may refer to the regulations imposed upon Cape Town by the Minister of Native Affairs. There were widespread protests by a large number of European, Coloured and Native organisations, but regulations were introduced by which a native could be removed from the Cape Town area unless he was under contract of employment.

It was with this attitude of mind towards African Natives that the Union Government took over the Mandate of South-West Africa. In law, the Mandatory Power was entitled to apply any of its own restrictive laws to the territory of South-West Africa, although the Union has applied none of those laws lock, stock and barrel to the Mandated territory.

But, indirectly, by means of proclamations issued by the Administration of South-West Africa, the Union has begun to apply in modified form some of these restrictive laws to South-West Africa. For example, segregation was enforced by means of indentured labour for the mines and the Native Administration proclamation (11 of 1924). The Natives were drifting towards the towns and a proclamation called the Urban Areas Proclamation 34 of 1924 followed closely on the lines of Union Legislation.

In 1927, by proclamation No. 11, restriction was placed on the number of native squatters on farms. It also introduced further restriction on movement and rail travel by means of “passes.” In 1928, an interesting document called “The Hand Book of South-West Africa for Natives” was sent to the League of Nations stating that the indenture of Natives was a vital factor in the economy of the territory.

In 1929, the Caprivi strip of territory was taken over and Native Administration and labour proclamations were immediately issued followed in 1930 by a Native Pass Proclamation.

While the League of Nations was there as upper guardian, so to speak, of the aNtive, there was always a cautious note in Native Legislation in South-West Africa. Nevertheless, his travel, his passes, his dogs, his cattle, his labour and his dwellings were being restricted, with a view to preventing these pastoral people from roaming far and wide over what had been their grazing territory. It is possible that this is one reason why so many Herero have taken refuge with the Chiefs of Bechuanaland during the period of the Union’s Mandate over South-West Africa.

They themselves say:—

"If Union rule is extended to South-West Africa then some of the people who found sanctuary in Bechuanaland would not return to their home. As it is conditions in South-West Africa today have become akin to those under which natives live in the Union."
THE UNION GOVERNMENT'S ATTITUDE TO SOUTH-WEST AFRICA

OBVIOUS DESIRE FOR TERRITORIAL AGGRANDISMENT

Instead of applying the principle of Trusteeship for the backward peoples freed from German rule by the First World War and delivered as a sacred trust to the Union, the Union Government has applied and desires to apply the principle of annexation or territorial aggrandisement "by conquest."

The effect is:

(1) South-West Africa is not a territory held in trust for its backward peoples.
(2) South-West Africa is to be treated as a conquered territory on the basis of the spoils to the victor;
(3) The indigenous population are to be deprived of their freedom and land.

The two World Wars were not waged by the Allies in a spirit of aggrandisement, but to maintain the just rights of all peoples, including backward races and racial minorities. Full incorporation of South-West Africa into the Union will amount to the disinheritance of the indigenous uncivilised peoples and appropriation of their assets by the conquering power whilst they are reduced to economic serfdom.

When Germany was conquered, was Great Britain going to claim Germany's colonies as her private property, or was her intention—expressed or implied—to restore it to the indigenous peoples? Great Britain, the senior of the states under His Britannic Majesty, has repeatedly declared that in African territories principally occupied by the backward people, "the interests of the African Native must be paramount and that if, and when, these interests and the interests of the immigrant races should conflict, the former should prevail."

South-West Africa, and its possible incorporation with the Union of South Africa, is one of the last testing-grounds to see whether the indigenous peoples of Africa shall have their land preserved to them, a principle accepted by the Allies as a sacred trust.

If Great Britain, cannot appropriate these conquered territories to her own use, how much less can the Union, when it was appointed by His Majesty as his Agent, to fulfil the sacred trust which His Majesty and the Union had both freely accepted as a basis of their Mandate from the League of Nations?

The eyes of the world, especially the backward peoples of the world, are on Great Britain today. Great Britain is the principal State directly concerned with the Mandated Territory of South-West Africa and if she is to accept the Union of South Africa's suggestion of annexing South-West Africa to their Territory she will more than ever be branded with the accusation that "while adhering to the principle of the paramountcy of Native interests, in practice Britain has given ground, in a protracted rearguard action, to the clamant demands of group interests. Always the path of least resistance seemed easier, and the profession of trusteeship has sounded hypocrisy" (Fabian Society's publications, pamphlet No. 4).

It has been said that the outcome of consultation with the non-European section of South-West Africa will provide a final answer to South Africa's claim for incorporation. It is therefore necessary to ascertain whether such consultation has taken place and if so under what conditions. On this point we give thanks to Mr. Justice H. S. van Zyl's commission when they drew the attention of their Government (the Union Government) to the fact in these words:

"If, then, one considers the backwardness of the indigenous population, (i.e. South-West African Natives) it becomes clear that there is no reasonable expectation of their acquiring those mental, moral and civic qualities, which would justify their being seriously taken into consultation, before a point consideration."

A consultation which is circumscribed and conducted by officials of the Government proposing the matter under consideration cannot be impartial, cannot give unbiased views. The persons interested from a disinterested angle should be given full and free opportunity to ascertain the feelings of the people affected. If there has to be consultation then it is to be from the international point of view if it is not impartial consultation. In this instance a duly constituted and officially recognised impartial body of standing namely the "Race Relations Institute of South Africa" under the directorship of an ex-Senator of the Union made the fact an impartial investigation into the wishes of the indigenous population. The members requested permission from the Government of the Union to visit these people. The reply of General Smuts (which was afterwards published by the Director of Race Relations Institute in the South African Press) is as hereunder:

"Your note of 20th February in reference to a suggested visit of your institute to South-West Africa.

I have discussed the matter with the Administrator and he agrees with me that a visit at present is inadvisable. The natives are being consulted through official channels in regard to the future of South-West Africa and these consultations are taking place leisurely and quietly and are certain to take some time. It will be confusing to the native mind to find other investigations also being made at the same time. I therefore think that the visit of members of your Institute should be postponed for the present and until the Administrator thinks it can take place without harm being done."

Lord Hailey has also suggested that he should visit the Territory, and we have informed him that we would be agreeable to his visit later on. It is not that we baulk inquiry, but we wish the inquiries to be conducted in an orderly time table which will not cause confusion.

As I have to bring the question of South-West Africa before the UNO meeting next September, I myself consider these visits should be postponed until after that meeting.

We leave to the judgment of our readers the value of the announcement which is still being made through the medium of the press, and perhaps to be made officially, that the Native peoples of South-West Africa have been consulted and have given assent to the proposal of annexation.

Finally we humbly submit that though the Territory of South-West Africa may have a strategic value to Great Britain in the hands of the Union Government, this value must not be esteemed greater than the life blood of more than 10,000,000 African Peoples in Southern Africa.
THE DEMAND FOR A FREE AND OPEN ROUTE TO THE WEST COAST

BECHUANALAND DECLARES THAT THIS IS A REASONABLE REQUEST

The tribes of the Bechuanaland Protectorate believe that they have an excellent case to support their demand for a free and open route to a free port on the West coast of Africa. Before dealing with more recent events in support of this contention, it is essential to deal with the history of the present railway from the Cape Colony through Bechuanaland to Southern Rhodesia.

About the middle of last century certain of the Bechuanaland Chiefs and Peoples requested Her Majesty, Queen Victoria, to take them under her protection as one means of safeguard against territorial deprivation by the Transvaal Boers. At the time, this request was not accepted but later, when the scramble for Africa occurred in Europe, and Germany was pressing her claims to territorial extension in Africa, Queen Victoria's Government announced to the European world that Bechuanaland fell within Great Britain's sphere of influence. Thereafter (1884) General Sir Charles Warren was duly authorised by the British Government to make arrangements with the Bechuanal Chiefs and Peoples for the future administration of Bechuanaland Protectorate as a British Protectorate. The result was that the Bechuanaland Protectorate was never conquered, and has never become a portion of British territory, and these peoples are still today not British subjects but British "Protected Peoples."

This position has been recently emphasised both by His Majesty's Government in conferring "Honorary" Honours instead of direct Honours on Bechuanaland Nationals, and by the Union Government in deleting from the Cape Native Representative Voters' Roll all Africans who are Bechuanaland Nationals, on the ground that they are not British subjects, whereas Nationals of other Territories in Africa directly under British Government, with exactly similar qualifications, have been left on and added to the current Native Voters' Roll in the Cape Province.

In 1892, Mr. Cecil Rhodes was pressing the British Government for a Railway from the Cape to the North. As this railway had to pass through the Bechuanaland Protectorate to Rhodesia, it was necessary that Mr. Cecil Rhodes should have a right of way or corridor through Bechuanaland for this purpose.

The British Government arranged this Corridor in the manner which will be seen from the following quotations taken from the official correspondence at the time.

In a despatch written by the Marquess of Ripon to Sir H. B. Loche (Governor at the Cape) dated December 20, 1893, the Secretary of State said:

"The agreement should in substance provide as follows:— The Government of British Bechuanaland will use its best endeavours to induce the Chiefs through whose territory the line will pass to grant free of cost, the land, sidings, junctions, passing-places etc." (Colonial Office Blue Book C. 7154—1893).

In 1895 the Colonial Office gave the following instructions:

"It is absolutely necessary that the railway to Matabeleland should be proceeded with as quickly as possible . . . and that for that purpose it will be necessary each of the Chiefs Bathoen, Sebele and Khama give up a strip of country along the Transvaal border. In the case of Bathoen's country the strip shall not be less than 6 miles wide and, if possible not more than 10 miles wide, at any place."

In regard to Kham's country "Mr. Chamberlain reserves a somewhat large discretion as to the variation in width at different parts. But this discretion he will use either for Kham's good or because of difficulties in making Railway." (Colonial Blue Book C. 7962/1896).

(N.B.—The land then given for Railway purposes was in the case of Kham's country a strip of land 200 miles long by 8 miles wide).

Later the railway did not run along the Limpopo, and a further request was made to Chief Kham for another corridor of land along the existing railway line, which is approximately 180 miles long and 100 yards wide, through the Bechuanaland Territory, except at the railway stations, where additional ground for building sidings etc. was also granted.

All this land was granted free of any compensation as will be gathered from the following quotation taken from a letter which was addressed to the Secretary of State by Chief Kham. The letter is dated April 27, 1896:—

"I cannot give the Company this new strip of land lest by doing so I should make new trouble. But I do not wish to hinder the Railway nor to give the Company unnecessary trouble and if you wish to give the Company this strip, and to speak so that what you do shall not reopen questions that are already closed, I am quite willing. Only I say, that it may be done wisely and righteously that it may be done also in the way that makes for peace."

The original strip of land (200 miles long by 8 miles wide) was never returned to the Chief and people but the British South Africa Company retained this land and most of it has now been sold to European farmers by the Company.

It is, therefore, not unreasonable for the Bechuanaland Protectorate to request the British Government to obtain for them similar facilities to those which the British Government secured for the British South Africa Company from the Bechuana chiefs. It must be emphasised that the Union is benefiting from the facilities secured for the British South Africa Company as the Union Government has acquired railway rights from that company.

The Present Position.

The need of the Bechuanaland Protectorate for a free corridor to a port on the West Coast is more vital and urgent in the course of righteousness and peace than was the need for a corridor through Bechuanaland in 1895 when it cannot be disputed that this need was the result of territorial aggrandisement with its accompanying wars of aggression against the defenceless native people of Africa with a view to the exploitation of their mineral wealth more particularly.
Though the need of Bechuanaland for this free corridor is now becoming increasingly more urgent it has long been recognised as a vital necessity to both Bechuanaland and Rhodesia e.g. in 1932 in the Southern Rhodesia report by Mr. Jeffares (Blue Book CSR. 13—1932) he says:

"One would imagine that the outlook is sufficiently serious for the two Rhodesias, the Rhodesia Railways and Bechuanaland to secure a right of way to the coast at Walvis Bay while there is still a possibility of doing so, even if a railway is not built for years to come."

Sir Harold Howitt in his report to the Imperial Government in December, 1945 stated inter alia:

"The position of the Rhodesias and Bechuanaland Protectorate as landlocked territories makes it vital that arrangements for unrestricted access to the sea should if possible, be made; for the most part the Eastern outlet, through Beira, has been regarded as the natural economic exit, but various possible alternatives have for long been in the minds of the people of these territories.

... (b) namely, the proposed Walvis Bay route, would offer possibilities of developing Northern Bechuanaland from an agricultural point of view, and would also have the advantage of providing an outlet independent of foreign governments—South-West Africa being a mandated territory, controlled by the Union of South Africa."

That this railways is vital in industrial development is obvious to anyone looking at the map. The importance of keeping South-West Africa as a Mandate and not as a portion of the Union of South Africa is that as a Mandatory Power, South Africa would not be able to close Walvis Bay to Bechuanaland goods, which it could do if it were Union property in the same way as it has done to Bechuanaland cattle coming into the Union Markets.

The League of Nations Charter also emphasises its importance. By ARTICLE 2 (7) U.N.O. is debarred from interfering in domestic matters once sovereignty is established and would have no right to comment were the Union economically to strangle Bechuanaland and close Walvis Bay to its products and imports.

We submit that the attempt to annex South-West Africa to the Union is an act of aggression against the neighbouring Territory of the Bechuanaland Protectorate by attempting to use the Mandate as a basis for territorial aggrandisement and thereby strangling the development of the Bechuanaland Protectorate as a completely landlocked country without its natural outlet through South-West Africa to a free port on the West Coast.

The Union realising that the Mandate did not of itself vest control of South-West African Railways in the Union Government proceeded to pass legislation purporting to have that effect. Shortly after the Mandate, in 1922, South Africa saw the importance of the Railway and by an Act of Parliament handed over lock, stock and barrel the South-West Africa Railways to South African Railways and Harbours. This was taken note of by the League of Nations to such good effect that in 1932 the Union Government added to the Railway Act of 1922 by stating that such taking over was subject to the conditions of the Mandate. This safeguard would immediately vanish were South-West Africa to become a portion of the Union's Sovereignty. The only way in which— if a definite corridor and port is not granted to the Bechuanaland Protectorate and Rhodesia—their economic development can be safeguarded is by South-WestAfrica remaining a Mandate, in which case undue oppression and aggrandisement can always be dealt with by U.N.O.

Chapter Eight.

BECHUANALAND'S CASE FOR A FREE AND OPEN ROUTE TO A FREE WEST COAST AFRICAN PORT

THE POLITICAL ANGLE

The political outlook of the Union of South Africa as between the European and the non-European sections of the community has a very important bearing on the development of the Bechuanaland Protectorate.

It is the declared and practical policy of the Union Government that the non-European should never rise to the position of full citizenship in his own country or even hold a position which would give him authority over any European, however well qualified or efficient he may be; however unqualified or inefficient the European may be. But the British Colonial Policy consistently emphasises that there shall be equal opportunities for all, irrespective of race, colour or creed.

Today the entire railway system running through Bechuanaland from the Union to Rhodesia is operated by the South African Railways and Harbours Administration (a Union Administration) and throughout is staffed by Europeans and Col-
It is assumed that any concession negotiated for the building of a railway through Bechuanaland to the West Coast will naturally include similar stipulations. This will be quite impossible of fulfilment once South-West Africa becomes an integral portion of the Union of South Africa.

But the declared policy of the British Government with regard to Bechuanaland Protectorate and the declared purpose of the Mandate over South-West Africa is for the Protecting Power and the Mandatory Power to develop the indigenous inhabitants until they are able to control their own affairs. For this policy to be made this railway as part of their own system of Government when they are able to do so.

The Bechuanaland Protectorate is not financially able to build its own railways today, but it offers opportunities to foreign investment.

It was the declared policy of the League of Nations “that economic and social progress is not obstructed by any form of vested interests acting from within the country or from abroad” and “that the political, social, economic, fiscal and Administrative institutions and conditions permit the secure and remunerative conduct of business.” (Conditions of Private and Foreign Investment, page 13). In order that these principles should be effective in the present situation, there are only two alternatives:—

1. that the territory of South-West Africa remains under mandate where these principles apply and cannot be interfered with, or
2. that an adequate corridor and free port in South-West Africa should be vested in the Colonial Administration of the British Government.

As a minor illustration we would point out that in the Union of South Africa every Government official down to the lowest must be bilingual and efficient in Afrikaans—a language not used in England or the Bechuanaland Protectorate. It is necessary that any administration in charge of this railway should be completely free of such a useless restriction (in Bechuanaland) in securing their personnel.

FEASIBILITY OF RAILWAY TO WEST COAST

This matter has been so fully and ably dealt with in Mr. J. L. S. Jeffares' official report on Rhodesia—Walvis Bay Reconnaissance Survey (see Rhodesia Blue Book CSR. 13—1932) that we cannot do better than quote the following extracts.

After discussing the route to the various ports of Lobito, Beira, Durban, Port Elizabeth and Cape Town the report proceeds:

"In open competition, when detailed comparisons come to be analysed, I think that it will be found that none of these routes can compete as economically as Walvis Bay for the northern traffic, especially if, as suggested above, improvements are made in alignment, etc., through South-West Africa."

"Whilst the proposed line can be regarded as a link in providing another outlet to a West Coast port competitive with the Benguella route, it would obviously prove to be competitive also with the Rhodesia Railways route via Beira. Therefore it is opportune here to compare the grading, etc., of the railways forming the three routes, which is a very important and often the dominant factor in traffic operating costs."

"This railway would be undoubtedly very much less expensive to operate than that from Matetsi to Beira. The distance from Matetsi to Walvis Bay will be about 995 miles, but this could be materially shortened, and to Beira 920 miles."

"A railway to Walvis Bay would undoubtedly stimulate the export cattle trade and would open up other industries."

"This route should serve the Bechuanaland Protectorate well, as it is within reasonable distances of Ngamiland area, and also that north of the Makararhari; it would also serve the settled areas of Ghanzi and Gobabis."

With regard to the transport costs of this route, after going into certain figures dealing with the transport of goods the report continues:

"These figures are only intended to show that Walvis Bay might easily be the 'natural' port for Southern Rhodesia, even if Beira were in British territory."

"Bechuanaland Protectorate. — This will be the most interested partner in this project, as about half the railway from Matetsi to Walvis Bay will be located in this territory. Unless a railway is built through Bechuanaland, it must largely remain the mysterious, unknown supposed desert it has hitherto been."

"Walvis Bay is pre-eminently and geographically the most convenient and suitable port for the Rhodesias, and in particular for the shipment of cattle to Europe either on the hoof or as chilled meat, having a clear advantage of nine days over the port of Beira."

Dealing with the development of the cattle industry, which is the natural and today the principal and the only industry in Bechuanaland, the report proceeds:

"The Protectorate is a magnificent cattle country due mainly to the pasture grasses which are highly nutritious and succulent."

"Many of these grasses have been chemically analysed and have been found to possess a high protein and mineral content. Amongst others, I might mention some species, as Digitaria, Urochlea and Pennisetum, all of which grow luxuriantly throughout the territory and provide the requisite nutriment for cattle for at least eight months of the year."
Collection Number: AD843

XUMA, A.B., Papers

PUBLISHER:
Publisher: Historical Papers Research Archive
Location: Johannesburg
©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of the archive of the South African Institute of Race Relations, held at the Historical Papers Research Archive at the University of the Witwatersrand, Johannesburg, South Africa.