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**LA THÈSE A ÉTÉ
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BRITISH COLONIAL LABOUR POLICY AND LESOTHO:1870-1942.

Submitted in partial fulfilment of the requirements
for the Degree of Doctor of Philosophy

at Dalhousie University

Approved by:

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ABSTRACT

This thesis examines the evolution of the British colonial policy in Lesotho with special reference to the growth and development of migrant labour in the period 1870 - 1942. The work recognises from the onset that British policy in Lesotho was greatly influenced by the complex geo-political and economic forces which linked Britain, Lesotho and South Africa into an organic form of tripartite relationship. It is argued that this triangular relationship operated against Lesotho interests.

Within this broad perspective, the analysis of migrant labour policy falls into three phases. Phase I concerns the period 1870 - 1900 when migrant labour emerged as an important element in Lesotho's domestic life. In this period there was no other overt government involvement in the labour market.

✓ However, in the period 1902 - 30, which constitutes phase two of this study, growing pre-occupation with the exploitation of the Transvaal gold mines both by the British Imperial regime established in 1902 and the South African Union government of 1910, produced a kind of industrial labour policy (which was extended to Lesotho) that was distinguishable by various coercive and discriminatory provisions directed at African workers. For the Basotho the operation of such institutional non-market forces, combined with the negative economic policy of the colonial administration, produced conditions under which migrant labour would be perpetuated.

By the 1930's serious criticisms, both privately and publicly expressed, were being levelled at Lesotho's position as a mere labour reserve. The thesis analyses the way in which labour migration had by that time created a dependence upon South African demands, from which it seemed impossible to escape.

LIST OF ABBREVIATIONS

ASAPS	Anti-Slavery and Aborigines Protection Society
BNC	Basutoland National Council
CAR	Colonial Annual Report, Basutoland
CENL	Committee of Experts on Native Labour
CO	Colonial Office
CLC	Colonial Labour Committee
CLAC	Colonial Labour Advisory Committee
CMAR	(Transvaal) Chamber of Mines Annual Report
D.O.	Dominions Office
F.O.	Foreign Office
ILO	International Labour Organization
NRC	Native Recruiting Corporation
WNLA	Witwatersrand Native Labour Association

ACKNOWLEDGEMENTS

My debts in undertaking this study are many. I cannot say how much I owe to Professor John Flint for the tireless efforts he rendered to me through insightful comments and criticisms which helped to put this work in its present shape. His help is greatly acknowledged. Thanks are also due to Professors J.B. Webster, P.D. Pillay for their help and encouragement.

It is my pleasant duty to acknowledge the financial assistance from the Faculty of Graduate Studies, Dalhousie University. Thanks are due to the staff of the Killam Library for their co-operation. Special thanks also to Ms. Leslie Murphy for kindly accepting the responsibility of typing this work.

The greatest debt of all goes to my family who encouraged me to take up further studies and who have endured my long absence from the warmth of their companionship and love.

My friends in the Department of History and elsewhere have sternly supervised my use of the English language, but should not be held responsible for those mistakes which may still remain in this work.

Felix Rex O'mara-wa-Oschichi
P.O. Abim-Morojo
Uganda
East Africa

CHRONOLOGY

- 1867 Diamond discovered at Kimberley
- 1868 Lesotho came under British mantle
- 1869 Treaty of Aliwal North
- 1870 Moshoeshoe, King of the Basotho died
- 1871 Lesotho annexed to Cape Colony
- 1871 Direct Hut Tax introduced
- 1880 The Gun War
- 1884 Drought/Famine
- 1884 Formal British rule established in Lesotho
- 1886 Discovery of gold in the Transvaal
- 1887 Transvaal imposed tariffs on Basotho grain
- 1893 Orange Free State imposed tariffs on Basotho grain
- 1897 Rinderpest broke out
- 1899 Outbreak of South African War
- 1902 Treaty of Vereeniging
- 1900 Witwatersrand Native Labour Association started
recruiting labour in Lesotho
- 1903 Transvaal Labour Commission appointed
- 1904 Importation of Chinese labour
- 1905 Report of the South African Native Affairs Commission
- 1907 Basutoland Native Labour Proclamation No. 27
issued

- 1907 White miners on the Rand strike
- 1908 Appointment of Mining Industry Commission
- 1909 South Africa Act ratified by the Imperial Government
- 1910 South African Union achieved
- 1911 The Mines and Works Act No.12
- 1912 Native Labour Regulation Act No.15
- 1912 Basutoland Native Labour Proclamation No.48 of 1912 issued
- 1912 Native Recruiting Corporation established
- 1914 First World War broke out
- 1918 Native Recruiting Corporation established in Lesotho
- 1930 Depression
- 1930 New Colonial Office Labour Policy
- 1935 Report by Sir Alan Pim on the Financial Position of Lesotho
- 1935 Policy of British - South African co-operation for economic development of Lesotho
- 1939 Second World War
- 1946 Founding of National Treasury in Lesotho
- 1966 Independence of Lesotho

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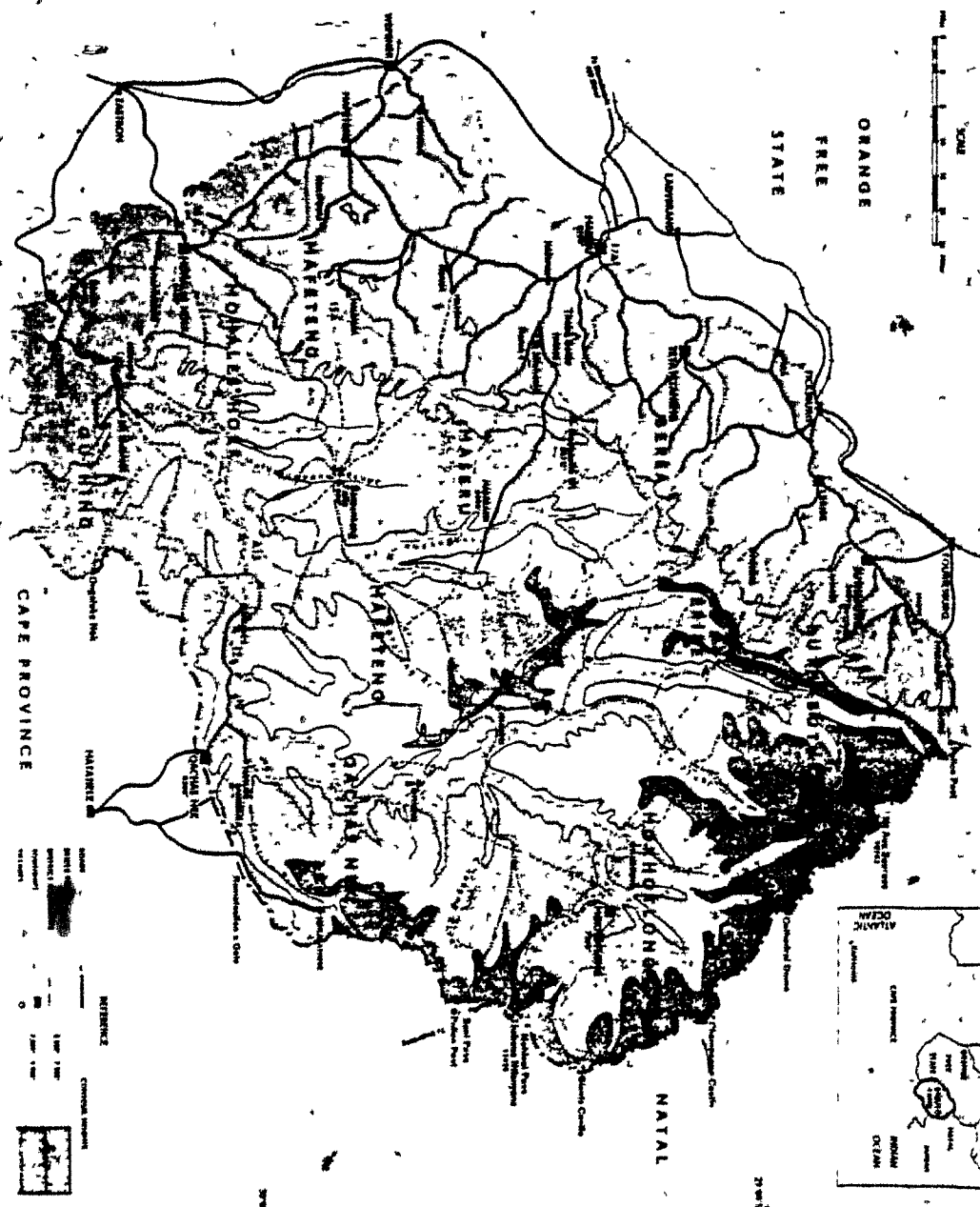
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ORTHOGRAPHY

In this work the orthography used is that which is now used in Lesotho. Thus, instead of Basutoland, Lesotho is used; Basuto, Basotho is used, except where the colonial names appear in quoted documents and other sources.

ORANGE
FREE
STATE



INTRODUCTION

The Kingdom of Lesotho, a small mountainous and hilly country, completely surrounded by the Republic of South Africa, first came under the British mantle in 1868. The declaration of British Protectorate over Lesotho by Sir Philip Wodenhouse, High Commissioner and Governor of the Cape Colony, was preceded by persistent and desultory border feuds between the Basotho and the Boers of Orange Free State.¹ While the extension of British aegis to Lesotho ensured her protection from destruction by the Boers, it did not, however, help her to recover the lost territory which was ceded to the Orange Free State under the Aliwal North Convention of 1869.²

In 1871, Britain transferred the responsibility of administering Lesotho to its proxy the Cape Colony Government.

¹Several studies have been done on the persistent warfare between the Basotho and the Boers, See G.Y. Lagden, The Basutos, 2 volumes (London; Hutchison, 1909); Ellenberger, D.F. and MacGregor, J.C., History of the Basuto, Ancient and Modern, (London, Caston Publishing Co., 1912); G.M. Theal, Basutoland Records, 4 volumes (Cape Town, 1883). The last volume of Theal's records is still in manuscript form and copies of it are in the government archives in Maseru, Lesotho. See also Atmore, Anthony, "The Passing of Sotho Independence, 1865-70". African Societies in Southern Africa (eds), L. Thompson (London: Heinemann 1969); C. Eugene, The Basutos: or Twenty-Three Years in South Africa (London, 1861).

²G.M. Theal, Basutoland Records, Vol.IV Passim. See also A. Trollope, South Africa, Vol.II, (1878), pp.235-6.

But Lesotho for all practical purposes remained exempt from the general law of the colony. The Basutoland annexation Act No. 12 of 1871 gave the Governor of the Cape Colony the power to legislate by proclamation.³ The year 1871 was important in that it guaranteed the Basotho protection against further loss of their land to white settlers, but it also subjected them to magisterial rule similar to that prevailing in the Cape Colony. The attempts by the Cape Colony to effect direct rule in Lesotho produced unrest and dissatisfaction.

By the closing of the decade, a new ministry came to power in the Cape Colony. From the onset, the ministry embarked on the policy of disarming all the Africans living within the Colony. In practice, this included the Basotho. In addition the Cape Colony introduced measures which aimed at alienating portions of Basotho territory for European settlement. As a result of these measures, the Basotho openly rebelled in 1880. The Cape Colony responded with force in an attempt to reduce the Basotho to submission.⁴ The GUN WAR which ensued ended in a victory for the Basotho. But the war proved both a costly venture for the Cape Colony and devastating for Lesotho. By the middle of 1881, both sides were exhausted by the war and were forced to seek arbitration by the Governor, Sir Henry Barkly. The Governor's Award, which was published

³Ibid.

⁴A curt survey of the events leading up to the Gun War has been made by J.M. Mohapeloa, Government by Proxy, (Morija Book Depot; Lesotho, 1971), Chapters 3, 4. See also G. Tylden, The Rise of the Basuto, (Cape Town, 1950), pp. 111-144.

on 29th April, 1881 permitted the Basotho to keep their arms on the payment of licence fees. It also required them to pay a national fine of 5,000 heads of cattle as well as compensation to the Basotho loyalists.⁵

In the meantime, there was a growing feeling against continuance of Cape Colony rule in Lesotho by many politicians within the Cape itself. In 1884, the Cape Colony pulled out and once again Britain undertook formal control of Lesotho. Sir Marshall Clarke was appointed British Resident Commissioner directly responsible to British High Commissioner in whom all legislative and executive functions were vested. From the beginning, British policy emphasized the maintenance of self-government in Lesotho. The instructions given to Sir Marshall Clarke were to keep expenditure below local revenue and that nothing else

should be attempted at first beyond the protection of life and property and the maintenance of order on the border to establish self-government sufficient to suppress crime and settle disputes.⁶

Thus, while the Resident Commissioner reserved the control over foreign and extra-territorial affairs, much of the internal local administration was left to the chiefs who were intermittently advised by the local

⁵S. Burman, Justice of the Queen's Government, (Cambridge African Studies Centre, 1976), pp. 110-112.

⁶Cited in Sir Alan Pim, Report on the Financial and Economic Position of Basutoland (H.M.S.O., 1935).

administrative staff. The result of this was the development of a unique form of administration in which there existed two parallel governments working in a state of semi-detachment.⁷ Sir Alan Pim referred to this peculiar system of government as a form of British "protection without control".⁸

Be that as it may, from the declaration of British control in 1884 to 1899, the history of Lesotho was quiet and uneventful. From 1899 however, the outbreak of the South African War (Anglo-Boer War) sent shock waves through Lesotho as many Basotho prepared themselves to wage a desultory war on the Boers in the hope of regaining their lost lands. Much to their disappointment, the policy of the imperial government remained opposed to any militant action on the part of the Basotho. Headlam notes in this regard that:

⁷Ibid., pp. 48-49.

⁸Ibid.

From the first it had been decided that the natives, whether of Basutoland, Bechuanaland, Natal or the Colony, should not be allowed to attack the Boers, as they were only too anxious to do. But they were allowed to repel invasion of their own territories. The task of keeping the Basotho in hand, preventing them at first from attacking the Boers, and then keeping them steadfast in their loyalty to the British,⁹

was carried out by Sir Godfrey Lagden, who had succeeded Marshall Clarke as Resident Commissioner. Lagden was commended for his success in controlling the Basotho by Sir Alfred Milner who on his part expressed concern about the nature of British policy in Lesotho once the war came to an end. In his letter to H. Asquith, a front bench member of the British Liberal Party, Milner indicated that there would be no vacillation of policy in Lesotho as a result of the war. He added;

As regards Basutoland and the [Bechuanaland] Protectorate, I am dead opposed to any change in the status quo. I know that some day or other these districts must become a part of some self-governing white community. But I want to defer the change as long as ever I can and to make it dependent upon a great improvement in the treatment of the Natives subject to the Colonial rule.¹⁰

There was no doubt therefore about the status of Lesotho when

⁹C. Headlam (ed.), Milner Papers II, (Cassel and Co., London 1933), p.20.

¹⁰Jeffrey Butler, "Sir Alfred Milner on British Policy in South Africa in 1897", Boston University Papers in African History (Boston University Press: 1964) p.249.

the new political kingdom emerged under British hegemony after the war. Lesotho and Bechuanaland Protectorate were to be used as test cases against those colonies in which African rights had been usurped and where "oppression and wrong" had become a distinctive feature of the so-call "native policy".

It was partly for this reason that when the drive for closer union between Natal, Cape Colony, Transvaal and Orange Free State started by 1908, Lesotho and Bechuanaland and Swaziland were not meshed in the emergent state. Another reason of course related to the fact the Basotho vehemently opposed the idea of being included in the same political state with the Orange Free State and the Cape Colony, both of which they had fought and now suspected and deeply mistrusted. Yet, as Milner noted ten years earlier, the hope that Lesotho would someday become part of a "self-governing white community", led directly to provisions being made for its future incorporation into the Union of South Africa which emerged in 1910.¹¹ The possibility of engulfment of Lesotho by South Africa was the bogey which bedevilled Lesotho's history until she obtained formal independence in 1966.

But if Lesotho managed to scramble victorious out of a

¹¹ Ibid.

political stranglehold, she was less fortunate economically. By virtue of its geography, Lesotho from its inception became enmeshed in a single economic unit with its dominant neighbour, South Africa.

Integration of Lesotho started with the diamond discovery in 1869. The Basotho as well as other African societies responded with great alacrity to the growth of a market in foodstuffs and labour on the diamond mines. Colin Bundy, and the authors of the Roots of Rural Poverty in Central and Southern Africa, have proved by their researches that agriculture in African areas was rapidly transformed into a modern cash economy through the use of new techniques of farming and crop diversification.¹² During this time too, there was a substantial movement of labour out of Lesotho. There was no indication, however, that these movements were a result of economic difficulties at home. It might be proper to assert that labour migration was only a necessary alternative to cash crop production.

But this trend was reversed after the gold discovery in the Transvaal in 1886. For the Basotho agricultural productivity became affected by periodic devastating droughts, land exhaustion, overpopulation and pestilence. At the same time grain export was curtailed by tariffs imposed by the Transvaal and Orange Free State as well as competition with grain imported from Australia and America. In other areas of Southern Africa,

¹²Colin Bundy, "The Emergence and Decline of a South African Peasantry", African Affairs, 71 (1972); Robin Palmer and Neil Parsons (eds.), The Roots of Rural Poverty in Central and Southern Africa (London, 1977).

the decline in productivity resulted from "grabbing of immense quantities of land from Africans and the use of other non-market forces, among which was the use of state power to limit African access to land." All this was done with the object of meeting the voracious appetite for labour by the mining industry.

Thus, by the close of the century, a combination of the use of non-market forces and the vicissitudes of drought, epidemics, population pressure and land exhaustion decisively tilted the market away from successful cash crop production in Lesotho towards the export of labour. From 1896 when the Chamber of Mines began to consolidate its position and to adopt a common strategy on labour recruitment, the Basotho by reason of their growing impoverishment, became easily vulnerable to the labour demands of the mining industry.

The mining magnates were also able to invoke the support of the state in procuring labour. This collusion between the state and the mining magnates was clearly manifest in the period following the South African War of 1899-1902.

The nature of this relationship has long been one of the more controversial issues in South African historiography. For years scholars such as Donald Denoon, A. Mawby, Alan Jeeves and others have given various interpretations of the relationship. Briefly, Denoon asserts that Sir Alfred Milner, faced with the fiscal exigencies, allowed himself to be subjected to the machinations of the Rand capitalists whose real interest

was accumulating huge profits.¹³ Arthur Mawby, an ardent critic of Donald Denoon, asserts that it was Alfred Milner who really engineered the situation in order to achieve his own political goals as opposed to his being under the thumb of the Rand capitalists.¹⁴

Conscious of this controversy and in an attempt to bring it to rest, Alan Jeeves has contended that the relationship reflected more of "an alliance ... between the mines and the state which seem(ed) to have been more complex and variable than a relationship of a simple domination of one by the other."¹⁵ He further pointed out that it was this form of collaboration which gave rise to the industrial policies which were to characterize South African life for years to come.

Among the many complex policies which evolved during this period related to the control of the physical movement of African labour. This work uses the evidence from Lesotho to demonstrate how the British colonial administrative labour policy reflected in the main, the wishes and needs of the mining industry. The study discerns three important phases in Lesotho's economic history. Phase I was from 1870-1900 and was characterized by the development of the dynamics of migratory labour. Phase II

¹³ Donald Denoon, The Grand Illusion (London, 1973).

¹⁴ Arthur Mawby "Capital, Government and Politics in the Transvaal, 1900-1907: A Revision and a Reversion" Historical Journal xvii (1974) pp. 387-415.

¹⁵ Alan Jeeves "The Administration and Control of Migratory Labour on the South African Gold-Mines: Capitalization and the State in the era of Kruger and Milner", in P.L. Bonner (ed.) Working Paper in Southern African Studies, (University of Witwatersrand; 1977), pp. 123-178.

was from 1902-1930, which was the period that Lesotho became fully integrated into a single political economy dominated by the gold mining industry and a form of industrial labour policy geared towards the needs of this dominant industry. Phase III, from 1930 to 1942, saw the evolution of British Colonial Office Labour policy and exposed the problems and constraints affecting the application of the policy to Lesotho.

In preparing this work, there has been heavy reliance on archival material as well as secondary sources. It must be pointed out that these sources are not necessarily exhaustive and are limited by the difficult circumstances in which the research was carried out in Lesotho. Notwithstanding the limitations, it is hoped that this study will make a contribution to the understanding of the roots of the contemporary predicament of the mountain kingdom of Lesotho.

CHAPTER I

PROLOGUE: THE ORIGIN AND DEVELOPMENT OF MIGRANT LABOUR, 1870-1900

For the most part of a century the young men of the tribe have been accustomed to travelling to the land of the Pale faces to earn money to acquire wives, cattle and other possessions.¹

The origin of Basotho involvement in migratory labour is not known; it began in the early years of the 19th century. Writing around 1859 Eugene Casalis of the Paris Evangelical Missionary Society (P.E.M.S.) recorded that the "country of the Basotho furnished the Cape Colony every year with a great many workmen who easily found employment owing to the confidence inspired by their reputation for loyalty and honesty."² This movement of Basotho labour does not seem to have been an isolated event, but rather, part of a wider system involving a significant number of other African communities. Peter Delius has shown that there was a similar pattern of movement among the Pedi by about the 1840's. He has also pointed out

¹Eric Rosenthal, African Switzerland, (Hutchinson and Company: 1948), p.186.

²E. Casalis, Basotho, or Twenty Three Years in South Africa, (London: 1861), p.75.

that the Pedi passed through the territory controlled by Moshoeshoe, the father of the Basotho nation. This contact between the two ethnic groups resulted in a substantial amount of trade. The items traded included among other things: guns, hoes and axes.³ Similarly, Patrick Harris has documented that the Thonga of Delagoa Bay were also involved in migratory labour and that they participated in this process by about the early part of the 1850's.⁴ The Natal Native Affairs Commission of 1852-53 refers to the importation of the Thonga into the colony, a practice which was only stopped when they were replaced by indentured Indian labour.⁵

These studies show that the movements were caused not by any single factor, but by a combination of "push" and "pull" factors. The push factors are viewed here as those internal conditions or institutions which predisposed people to migrate. The pull factors refer to those powerful external forces which induced people to migrate to the labour centres. This approach will be used here in explaining the movement of Basotho labour in the period prior to 1900.

For the purposes of convenience, the period under

³P. Debus, "Migrant Labour and the Pedi before 1869", Collected Seminar Papers on the Societies of Southern Africa in the 19th and 20th Centuries, Vol.7, 1977 passim.

⁴P. Harris, "Labour Migration from the Delagoa Bay Hinterland to South Africa 1852-1895", Ibid., passim.

⁵Ibid.

consideration falls neatly within two phases, 1870-1886 and 1886-1900. The former was dominated by the developments following the discovery of diamonds at Kimberley, while the latter was engendered by the gold discoveries in the Transvaal. Both had an important impact on the movement of Basotho labour.

Detailed statistics on the volume of labour migration from Lesotho during the period 1870-1886 are fragmentary. Magisterial reports which are the main source of information on this period, are curt and vague and do not give any figures of those leaving the country for the purposes of labour beyond the borders of Lesotho. Even in cases where there was a mention of men leaving the country for labour purposes, the actual number of those involved was not shown. The lack of figures was compounded by the fact that destinations of migrants were seldom mentioned and, the records often contained statements like "many passes were issued for purposes other than employment". Presumably, these people left the country for "trading", "visiting" or even with the hope of engaging in employment with the white colonists. Despite these problems, however, an attempt has been made to piece together all the fragments of evidence on the rate of Basotho labour migration during the early part of the 1870's. The available statistics are compiled in the table below. It is quite evident from this table that the most frequented areas of employment for Basotho labour were the eastern

TABLE 1. Record of Basotho Labour Movements 1872-1880

DISTRICT	1872	1873	1874	1877	1878	1879	1880
Thaba Bosiu (including sub- districts of Maseru, Mafeteng	6,445 passes issued	6,459 passes issued	Decrease in passes by 1,000	Many passes issued to those going to the diamond field			6,000+ issued to those going to the diamond field
Berea and Leribe		Many passes issued to men going to the diamond field		Young men have gone to the fields in large numbers			More than 4,000 men have gone to the diamond field
Cornet Spruit	Large party have gone to the rail-works in Cape Colony.	Many have gone to railworks and diamond field	Many people left for Orange Free State & diamond fields				Many passes given to those going to Cape Colony, diamond field, etc.

Sources: All the data and statements obtained from the CAR, Basutoland 1872-1880.
See also S. Burman, Justice of the Queen's Government: The Cape's Administration of Basutoland, p.94.

provincial railworks, the diamond fields and the white farms. We can also see that there was some regional variation in the destination of Basotho labourers. While those in the southern areas of the country often joined the railworks, those from the northern part of the country seldom did so. But the one single centre of employment which attracted Basotho from all over the country was the diamond mines. Sheila van der Horst, a leading labour historian in South Africa, has estimated that by 1871, the number of Africans found at Kimberley ranged from between 40-50,000.⁶ The importance of the diamond fields as a centre of employment for a large number of Africans seeking work has also been noted by R.C. Germond who states in a rather sweeping fashion that this centre was the place where "the youth of the whole of Southern Africa, and more especially thousands of Basotho...have sought to initiate themselves to the ways and customs of the civilized existence".⁷ The fact that many Basotho were found at the diamond fields was also alluded to by Charles D. Griffith, the Governor's Agent in Lesotho. In his letter to George Jackson, written in 1871, Griffith talked of receiving constant applications from employers at the diamond mines and stated that the demand for Basotho labour there was so high

⁶S. van der Horst, Native Labour in South Africa, (Frank Cass: 1971), p.84. Hereafter S. van der Horst, Native Labour.

⁷R.C. Germond, Chronicles of Basotholand (Moriya Book Depot: 1967), p.451.

that it could not be satisfied.⁸

It could be established that there was a substantial movement of labour to the fields, but what were the reasons behind this movement? Did the Basotho in particular go to the diamond mines because of the attractions of the "bright lights" as Germond asserts or were there important incentives pulling the Basotho there? The evidence that is available points to two important factors. On the one hand, there was the strong desire for money with which to purchase newly introduced goods such as ploughs, wagons, hoes and the like, as well as money to pay hut tax. On the other, there was the strong desire for guns, the traditional symbol of Basotho manhood.

The significance of guns and gun-powder to the Basotho has been clearly documented by Anthony Atmore and Peter Sanders.⁹ They attribute the determination of the Basotho to acquire arms to the turbulent relationship between them and their neighbours. For example, in the hostilities which broke out with Sekonyela's Thokwa in 1848, and that with "communities in the Orange River Sovereignty" a few years after, the Basotho proved the value of their guns.

⁸Basotoland, Letter Book, S 9131, Griffith to Jackson dated 5th September, 1871

⁹Anthony Atmore and Peter Sanders, "Sotho Arms and Ammunition in the Nineteenth Century", See also Anthony Atmore, J.M. Chirenja and S.I. Mudenge, "Firearms in South Central Africa"; Sue Miers, "Notes on the Arms Trade and Government Policy in Southern Africa Between 1870 and 1890", Journal of African History, XII, 4 (1971), pp. 535-577.

Between 1858 and 1868 the Basotho became locked up in a series of border feuds with the Orange Free State. Because of the imbalance in weaponry, the war, which broke out in 1865, decisively ended in favour of the Free State.

When the diamond mines opened, thousands of Basotho flocked to the mines to obtain guns. In 1873, Charles Griffith, the Governor's Agent reported that "... upwards of 2,000 men from Basutoland left for the diamond fields ... each and all of them with the intention of returning with a gun."¹⁰ The validity of the report was strengthened by Morton who observed that the desire for guns had become something of an obsession with Africans. He noted that Africans poured into the diamond fields "at the rate of 30,000 a year", many of them

¹⁰ Cape Blue Book on Native Affairs 1873, G27-77, Griffith to High Commissioner, Sir Henry Barkly, 1873.

coming from as far as a thousand miles away to work "long enough to supply each member with gun and ammunition". In this way, nearly 300,000 guns were sold to the Africans.¹¹ It would seem that the prosperity of the diamond fields hinged upon the gun trade. The importance of the trade for the diggers was noted by one newspaper in 1874.

The mainspring... of the prosperity of Griqualand West hinges upon the illicit... gun trade. Do away with that and the diamond industry would collapse. 12

If the employers at the mines used guns as a means of attracting labour, the same strategy appears to have been used in the Cape Colony as well. Although here, the gun permits were not as freely available as at the diamond mines, yet there was one magistrate at Cradock who seemed to have been issuing these permits indiscriminately. After reports were bruited that guns were obtainable at Cradock, 5,000 Basotho were reported to have left for the railworks in the Cape Colony. There were reports that after the period of contracts had ended the Basotho made "circuit trips" around Cradock to buy guns and ammunition. John Austen, magistrate for Mowales Hoek indicated, that nine out of ten of the Basotho who returned from the railworks and who presented

¹¹ Morton, South African Diamond Fields, cited in van der Horst, Native Labour, p.66.

¹² The Friend of the Free State and Bloemfontein Gazette, 1st January, 1874. Hereafter, The Friend.

themselves at his office had guns purchased at Cradock.¹³

It would appear that Cradock became an important source for guns after 1875 only because during this time the officials of Orange Free State (through which the Basotho passed on their way to Kimberley) were intent on restricting Africans carrying guns through their territory. The Basotho complained bitterly about the confiscation of their guns by the Free State authorities. In a government pitso (assembly) in 1875, chief Masopha speaking on behalf of his fellow chiefs blamed this action on the lack of concern for their affairs by the government. Masopha pointed out that:

...in the Free State we are not protected, and the Government doesn't stand up for our blood(sic). We are thrashed for nothing - under the Queen's pass...our people have their guns taken from them and are imprisoned and flogged - all under the Queen's pass.¹⁴

Such measures posed a serious threat to the labour supply from Lesotho, and it appeared that as long as such practices continued the Basotho would be forced to withhold their labour.

These restrictions challenged, in a broader sense, the interest of the chiefs in the gun trade. In fact, there is much evidence to show that the movements of the Basotho in search of guns were instigated by chiefs who were suspicious that the colonial administration was intent on undermining their

¹³ Cape Blue Book on Native Affairs, G12-1877, J. Austen's report for Mahales Hock, 1876, p.4.

¹⁴ Ibid., Government Pitso held on 4th November, 1875.

authority over the people. Charles Griffith put this point vividly when he noted in his annual report:

There is no doubt that the mania to become possessed of a gun and ammunition by every Basuto who goes to the railworks or diamond fields was suggested by the chiefs as a means of hold upon the people. (sic) Had they urged the introduction of money and stock by the returning labourers it would have been generally accepted. The feeling of "Divine Right" of chiefs is as strong as ever, however much they respect the Government; possession of a gun is reassuring to the timid, suspicious, native mind.¹⁵

Major Bell and John Austen singled out Chief Molapo as having on many occasions ordered his men to go to work and obtain guns and ammunition. In 1876, Austen reported that:

The chief, Molapo was the first who sent large groups of men to work at the Diamond Fields, and it was openly said by the natives that he had ordered them not to return without guns and ammunition, which order they scrupulously obeyed. The chief Masopha and others followed his example.¹⁶

From these statements, it is evident that by virtue of the chief's ideological and political control over their subjects, they had a direct role in promoting labour migration to those areas where guns would be obtainable. Yet, to say that the chiefs inspired these movements for their self-interest does not imply that they directly appropriated these guns from their subjects. Theoretically all the guns belonged to the

¹⁵ Cape Blue Book on Native Affairs, G 12-1877, p.9. Report by Charles Griffith, Governor's Agent in Lesotho.

¹⁶ Ibid. G 20-1881, John Austen report for Quthing 1880, pp.13-14.

chiefs though, in reality they were the property of each individual Mosotho. Possession of a gun was a symbol of manhood to the individual Mosotho and also a sign of loyalty to his chief and to the sechaba (nation).

The extent to which the Basotho prized their guns was seen in 1880 when the Cape Colony under the governorship of Sir Bartle Frere attempted to disarm Africans for the purposes of Peace Preservation.¹⁷ The Basotho were one of the people to be disarmed. The idea was simply anathema to them for these guns represented long periods (of) labour away from home. To be dispossessed of the guns was to them tantamount to total emasculation and was thus more than simple seizure of their property. In support of the Basotho, the Reverend Francois Coillard wrote to Sir Bartle Frere in 1880 and told him that:

Those very guns the Basuto declare to be their own private property. They did not get them by smuggling, or by other illegal means, but, encouraged by their own magistrates, they went to the Port Elizabeth railway and to the diamond fields and worked for them with their own hands.¹⁸

¹⁷ Sir Bartle Frere (1815-1884) had served in the Civil Service in India during the Mutiny and earned himself a distinction and a good reputation as an able administrator. His term in South Africa lasted from 1877 to Sept. 1880 during which he tried to disarm the Basotho. The insurrection which followed and which the Cape Colony failed to suppress left a black spot on his career referred to by Lord Kimberley, the Colonial Secretary as "blunderings" by a man of "undoubted abilities." See C.D. 448/495 for further details.

¹⁸ British Sessional Papers, House of Commons, (C2821) 1880 LXVI.627 Correspondence respecting Affairs of Basutoland, Enclosure No.3 in No.1, Coillard to Frere, letter dated 12 January, 1980.

Coillard's statement is important for two reasons. First, it showed that Frere, had no respect for the idea which was inherent in British thinking that considered private property as something sacrosanct and therefore to be defended at any cost. Secondly, the statement questions the vacillating nature of British policy which on the one hand, encouraged the stocking of guns by the Basotho and on the other, sought to disarm them. Be that as it may, the attempt to force the Basotho to give up their coveted guns led to an insurrection in September 1880. The "Gun War" which followed lasted until 1884, when the British government ended its government by proxy and assumed direct control over Lesotho. The Basotho successfully fought to maintain their guns, but their prospects for getting licenses to obtain new guns were diminished.

However, this new regulation did not affect the flow of labour out of the country. It must be emphasized that the decade of the 1870's also experienced the growth of a "great many artificial" wants among the Basotho. According to E. Rolland, magistrate for Mafeteng, as the Basotho "progressed in civilization", they began to experience other pressures. Rolland argued:

Thus it happens that although according to their old native standards they might consider themselves sufficiently rich, yet the constantly recurring pressure of new wants sends them from home and stimulates them to greater exertion.¹³

¹³ Cape Blue Book on Native Affairs, 1876-1877, Report by Rolland for Mafeteng, 1875, p.8.

This development of "new wants" in Lesotho must be looked at as a reflection of the extent to which Lesotho was being integrated into a larger South African economic system characterized by its wider commercial nexus.

To satisfy these wants, the Basotho were to work for money wages in the diamond mines. The diamond fields were more attractive because they offered higher wages than other areas where Basotho could find wage labour. Sheila van der Horst points out that the "usual rate of wages, excluding rations was ten shillings a week" or two pounds (£2) a month.²⁰

The high wages offered at the mines had the impact of attracting many Africans away from the white farms. Several sources refer to the fact that this movement out of the farms involved many Basotho families who had been established as labour tenants on the white farms in Orange Free State.

J.K. de Kok affirms that:

The grain-producing districts contain thousands of kafirs, most of the Basuto tribe, living on the farms of the white land-owners.²¹

Tylden goes further to say that the Basotho employed on the white farms soon entered into a new form of production relations known as "farming on the halves" or "share-farming". Tylden referred to:

²⁰ S. van der Horst, Native Labour, p.71. See also The Friend, 6th July, 1876.

²¹ J.K. de Kok, Empire of the Veld, (Durban: 1904) p.151. See also van der Horst, Native Labour, p.98.

...a farmer in the O.F.S. having as many as three or four families of Basuto on his land, finding him in servants, male and female, for small wages and growing wheat on a share system to supplement the crops grown by the sons and sons-in-law and other relations of the farm owner. The Basuto also received a small acreage to grow maize and millet for themselves.²²

Many of the Basotho who had entered into such forms of relations of production with the farmers were reported to have left the farms for the diamond fields to take advantage of the higher wages there. Referring to this movement, de Kok noted that:

...after the discovery of the diamond fields the liberal wages obtainable there drew many of the young kaffirs away. These left their cattle in the care of their parents or wives grazing on the grass of the owner of the farm, while he was earning money in other people's service.²³

However, for those Basotho who were not so linked with the white farmers, the lure of the diamond fields was so great that many of them "kept on going to Kimberley for employment, and, when told they were not wanted, walked home again rather than accept lower wages offered in towns or on farms along the road."²⁴

²²G. Tylden, The Rise of the Basuto, (Juta & Co. Ltd., Cape Town, 1950) p.120.

²³de Kok, Empires, p.180.

²⁴Ibid.

These migrants, it was suggested, though walking back home "in a state of semi-starvation", nevertheless spurned rates of wages lower than those at Kimberley.²⁵

This point is important and needs further explanation. The fact that Basotho migrants were unprepared to work for the farmers at any price, strongly suggests that the economic advantages of their returning home were far greater than working on white farms. As R.C. Germond clearly shows, by this time, the Basotho had quite a remarkable degree of local trade enterprise. Germond asserts that Sotho ability to generate surplus could be exemplified by the fact that:

Hitherto our Basotho have all remained quietly at home and the movement which is taking place beyond their frontiers has produced no other effect than to increase the export of wheat and other cereals to a most remarkable degree.²⁶

Not only did the Basotho effectively engage in the grain exchange market but quite a good number of them were involved in transport riding and other profit-making activities. By 1873 the population of about 127,323 owned some 35,357 horses, 28,154 drought oxen, 189,538 heads of cattle, 303,080 ewes and sheep, 215,485 goats, 15,635 pigs, 299 wagons, 14 carts, 2,749 ploughs and 238 harrows.²⁷ With nearly 30,702 morgen of land under cultivation, the amount of wheat, maize and sorghum exported reached

²⁵Ibid.

²⁶R.C. Germond, Chronicle, p. 319.

²⁷Ibid., p. 326.

100,000 bags. There was also an estimated export of 2,000 bags of wool.²⁸

At the roughest computation, the value of imported merchandise during the same year, was £150,000. Charles Griffin, The Governor's Agent, referred to the economic and political progress in Lesotho in these words:

The material progress is no less evident than the political. Where there were previously not more than half a dozen insignificant shops, there are now close on fifty very fine stations or commercial counters, whose buildings have completely altered the aspects of the country-side. Today hundreds of wagons penetrate and traverse it in every direction collecting grain which the country produces and exporting it to the Free State and diamond mines.²⁹

In sum, having shown ~~that~~ the Basotho had a vigorous exchange market at home, it is clear that Sotho migrants would have preferred returning home, where they could probably do better by producing

²⁸ Ibid., p. 325.

²⁹ Cited in Germond, Chronicle, p. 325.

grain for the market on their own land.

It could be added that the farmers did not provide the type of goods and urban entertainment that Kimberley offered and so the workers avoided going to work for them. The Basotho also knew that by working on white farms they ran the risk of losing their freedom (since the farmers insisted on Africans being "obedient" and submissive) and therefore, they avoided the white farms.

The labour shortage which resulted from this led the farmers to adopt a thicket of measures which, in Bundy's words, were "notable for their unambiguous determination to force Africans onto the labour market."³⁰ In 1873, for example, the Orange Free State made it obligatory for Africans passing through the territory or leaving it, to buy a six-penny pass, raised to one shilling in 1874. The purpose of this levy was to force those Basotho who had no ready cash to work with the farmers until the required levy was paid off. However, once the labourers entered the service of the farmers, they automatically became subject to the provisions of the Masters and Servants Act. This law was notable for the fact that it attached a criminal liability to what was essentially a civil contract. Thus, any attempt by Basotho and others to desert their work was considered a crime

³⁰C. Bundy, "The Emergence and Decline of a South African Peasantry", African Affairs. 71, No.285 (1977)p.380.

punishable on conviction by a heavy fine or imprisonment.³¹

All such attempts to coerce Basotho labour failed to achieve the desired effect, but instead tended to reduce the number of Basotho labourers moving out of the country. In 1874, E. Rolland intimated that the tax and other measures imposed on those passing the Free State had sensibly affected the supply of labourers from the district of "Mafeteng". He reported that the number of labour passes issued at his office decreased by 1,000.³² The fact that the Basotho were able to withhold their labour, in protest against the actions of predators or other forms of repression raises the following questions. Who were the migrants at this stage? Were they successful peasants looking for guns and cash to invest in goods necessary for farming? Or were they Basotho with least ability to produce for the market? In the absence of evidence to show whether or not there emerged some form of differentiation among Basotho grain producers - that is, some Sotho having privileged access to land and markets while others were excluded from easy access to land and became vulnerable to wage labour, one cannot hazard any conclusion here.

Be that as it may, the period after 1886, saw the prosperity and economic independence of the 1870's diminish as both cereals

³¹ Van der Horst, Native Labour, p. 35. This provision was similar to the Masters and Servants Act of the Cape Colony and Natal, adopted in the 1850's to "ensure that African workers were unquestionably obedient and respectful to their white masters".

³² Cape Blue Book on Native Affairs, G21-1876, p. 17. Report by Rolland Mafeteng district, 1874.

and livestock in Lesotho became subject to the vicissitudes of drought, ecological decline, epidemics and economic disabilities which tilted the market away from commodity sale towards the sale of labour power. From this time onwards, it can be argued that the Basotho began to rely more on labour migration for their livelihood.

The importance that labour migration had begun to assume is reflected in the district reports which now contained detail statistics of passes given to Basotho travelling abroad for labour purposes. These statistics are given in the table below.

These figures display interesting trends which are worth noting. During the period under consideration most labour flowed out of the lowland areas of northern Lesotho, represented by Butha Buthe, Berea, Maseru, and Mafeteng and Mhales Hoek districts. But certain areas of Quthing and Qacha's Nek also exported a high percentage of labour. (See the map below.)

Why did labour migration suddenly increase in the period after 1886? To provide a concise answer to this question one must look back to the year 1884, when Lesotho was struck by one of the worst droughts of the century. Writing from his station in Morija, Dr. Casalis described the scourge:

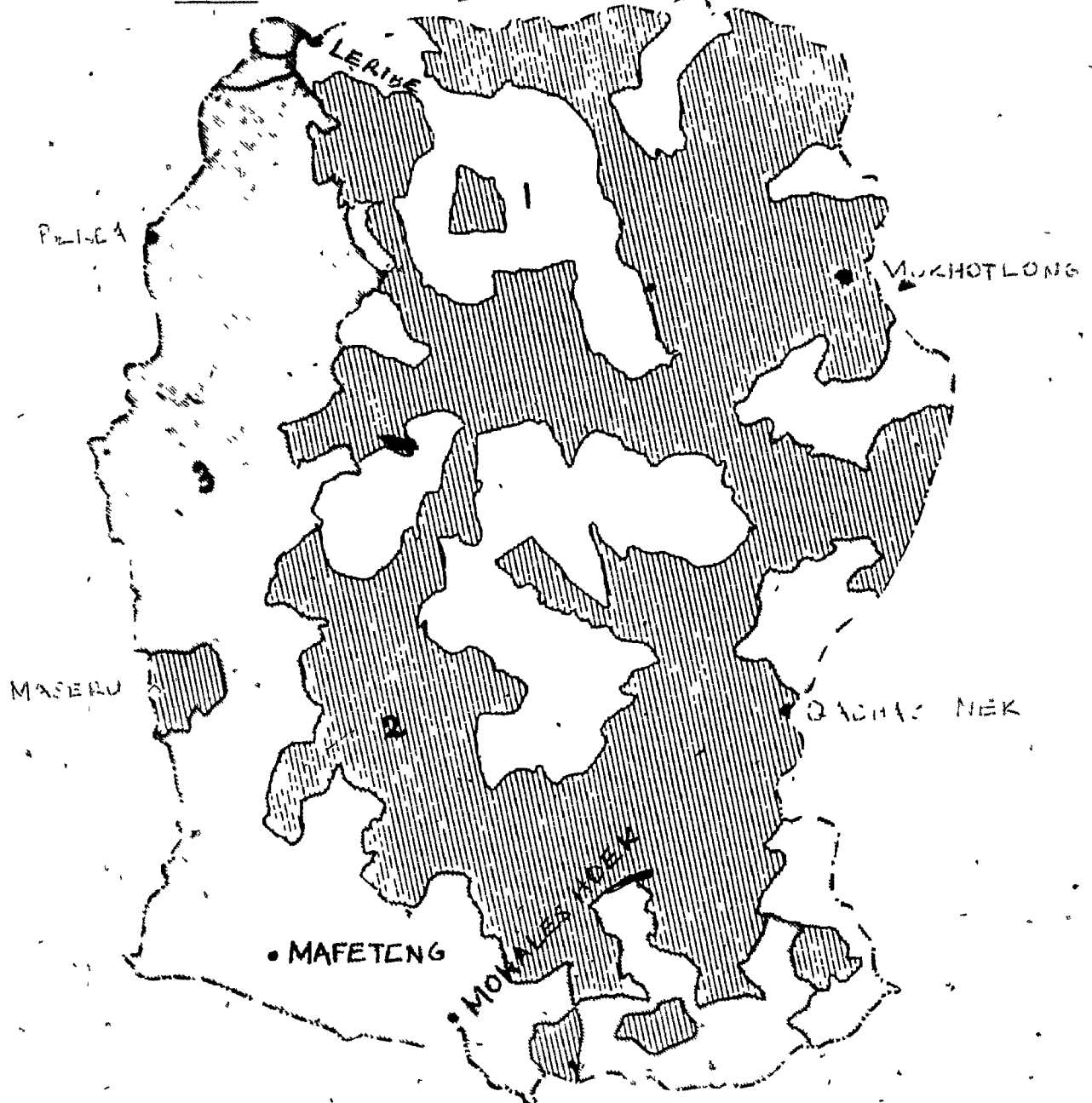
The drought is appalling...not a single good shower has fallen since...the country is so dry that the whole population of Morija is

TABLE 2

DISTRICTS	1891	1892	1893	1894	1895	1896	1897	1898	1899
Berea	1954 (3600)	2646 (3970)	2688 (4000)	4417 (4300)	4715 (1600)	1527 (1400)	2300 (2400)	3400 (2300)	
Butha Buthe	2300 (1700)	3300 (3900)	2000 (4200)	2800 (5100)	-- (5600)	7000 (6000)	7500 (7000)	8000	
Leribe	3000 (2700)	2600 (2900)	3400 (7500)	3800 (13000)	8000 (75000)	6300 (6300)	2000 (7000)	10900 (6700)	3490 2150
Maseru	2700 (3200)	3900 (4200)	3800 (3400)	3400 (2900)	3300 (2800)	5300 (2400)	1900 (1300)	6700 (7400)	228 (401)
Mafeteng	4200 (4000)	4300 (4100)	5300 (3600)	9200 (4300)	9800 (6200)	3170 (1620)	6400 (4140)	7700 (9100)	1200 (1300)
Qacha's Ngk	122 (115)	-- (1697)	314 (2422)	-- (2500)	726 (3691)	-- (4500)	1116 (--)	1357 (--)	449 (10700)
Mohales Hoek	--	2930 2270	3074 (1806)	-- --	3431 (2027)	3900 --	4128 (236)	4700 (4300)	236 (1168)
Quthing	--	1400 (2218)	1295 (3566)	1390 (2896)	1670 (4139)	2190 (2984)	408 (1940)	1200 (9000)	1300 (1300)

The figures appearing in brackets refer to those who left the

MAP 2. Lesotho Migrant Labour 1886-1900



Migrant Labour as per cent of de Jure population

KEY:

1 0-10

2 10-20

3 20+

forced to quench its thirst at our fountain.³³

Frederic Ellenberger, a French missionary in Lesotho, noted that the drought led to many deaths: "...if rains delay", he stated, "the desolation will be great".³⁴ Frederic Kohler, another missionary said that because of the failure of the maize, sorghum and other staple crops there was "a real disaster" in the country.³⁵ Reports from the district commissioners were dotted with such gloomy statements. Typically, W.H. Surmon, Assistant District Commissioner for Mafeteng recounted that:

...owing to the practical failure of the grain crops last year caused by the drought, many people ran out of food, and to relieve the distress a number were employed in the construction of a dam at this station... and were paid in mealies bought by the government for the purpose.³⁶

Many pauperized Basotho left the country to labour in South Africa in order to earn cash to provide for their families at home. Thus, the Resident Commissioner in his

³³ R.G. Germond, Chronicles, Casalis' letter dated, Morija, 1884. p.465.

³⁴ R.D. Germond, Chronicles, p.466, Frederic Ellenberger, letter dated 1884.

³⁵ Ibid.; p.467.

³⁶ British Sessional Papers (c 4838) 1886 XLVIII, 93, Further Correspondence respecting the Cape Colony and adjacent territories; Report by W.H. Surmon, district Commissioner, Mafeteng to M. Clarke, Resident Commissioner, dated 5th July 1886. See also E. Bowker, district commissioner Cornet Spirit to M. Clarke, letter dated 30th June 1886; S. Barret, district commissioner Quthing to M. Clarke, letter dated 1st July 1886.

annual report for 1886, while expressing reservations about the accuracy of pass statistics, wrote that labour was plentiful in the country and that at the "current wage rate of one shilling a day" many people had "sought work in the Orange Free State and the Transvaal gold fields, where their character for good work" was commended by the employers.³⁷ This clearly suggests that the Basotho were determined to rehabilitate economically (if not socially and psychologically), after the demoralizing devastation caused by the drought and the successive famines of the previous years. These movements were mainly to the mines because the same drought had struck the white farmers and, destroyed that potential market for Basotho labour. Francois Malder, of the Paris Evangelical Missionary Society, noted that the Transvaal was "experiencing a fairly serious economic crisis" because of the "three years of drought and famine." Malder continued:

There is much distress among the farmers and traders...bankruptcies without number and many farmers have no bread to eat.³⁸

In spite of the difficulties brought about by the drought, the impoverishment of the Basotho was not necessarily long term. From 1887 onwards there were reports of gradual

³⁷ British Sessional Papers, (c.4907) 1886 XLVIII. 163, Enclosure in No. 13, Colonel Clarke to H. Robinson, Governor and High Commissioner, letter dated, 12 March, 1886.

³⁸ Malder's report, cited in Germond, Chronicles, pp. 468-9.

improvement in cereal production both for home consumption and for the markets at Kimberley and the Witwaterstand gold mines. However, the period also saw the introduction of measures from without Lesotho which put a lid on the grain export capacity and prevented the country from achieving the prosperity of the 1870's. The first factor which curtailed Lesotho's export market were the tariffs imposed by the Transvaal in 1887 and the Orange Free State in 1893. The purpose of these tariffs was to restrict the entry of Basotho grain into the Transvaal and Orange Free State respectively.³⁹ Apart from the fact that the tariffs were aimed at protecting the market for white farmers, it was also an indication that by now, the demand had shifted towards cheap African labour rather than foodstuffs. There are, of course, no detailed official reports on these tariffs apart from a passing comment by G.Y. Lagden, acting Resident Commissioner of Lesotho, who in 1888 told Hercules Robinson, the High Commissioner for South Africa that:

The market for grain, the staple production of the country is limited. Kimberley is largely supplied from Basutoland; but, the competition from Orange Free State and Western Province is keen. The tariff imposed on grain, other than that grown in the Free State entering the Transvaal has practically closed to us the market offered by the gold fields. It is estimated that Basutoland

³⁹F. Ellenberger, report from Masitise, dated October 1887, cited in Germond, Chronicles, p.468.

trade has been affected this year to the extent of over 20,000 pounds.⁴⁰

Restriction of Basotho grain entering the big consumer markets was followed by a large scale importation of grain from Australia and America to supplement grain supplied from local sources. The flooding of the markets by relatively cheaper grain seriously undercut the price of locally produced grain; particularly that coming from Lesotho. P. Germond summarized the effects of the foreign grain import on the price of Lesotho grain thus:

...The railway line from the Cape to Kimberley is throwing foreign wheat on the market at a low price, and the products of Basutoland which would have to be brought at great cost in ox-wagons, cannot compete.⁴¹

Elsewhere, Theophile Jousse, a missionary based at Thaba

Bosiu noted that:

A bag of wheat, sorghum, or maize which was formerly sold for twenty, fifteen, or twelve francs, is now given away for two francs fifty to three francs.⁴²

Consequently, the Basotho were impoverished as Germond pointed out.

⁴⁰ British Sessional Papers (c.5249-28) IXXII. 33. G.Y. Lagden, Acting Resident Commissioner to H. Robinson, letter dated 28, 7, 1888.

⁴¹ Germond, Chronicles, p.469.

⁴² Theophile Jousse, letter from Thaba Basin, cited in Germond, Chronicles, p.470.

Basutoland, we must admit, is a poor country. Money is rare, more especially these days. . . . Poverty which was formerly unknown, has made its appearance. . . . (this has become) the black spot on the horizon; the financial distress of Basutoland.⁴³

Surprisingly, when missionaries were talking of scarcity of money in the country and poverty among their flock, the administrator's reports teemed with statements about huge amounts of money being brought back into the country. This money, it must be explained, was not generated through produce exports, but was the earnings of nearly 20-40,000 people who had left the country to labour abroad.⁴⁴

If labour migration can be looked at as a process of adaptation to the economic disabilities arising from factors beyond the control of the Basotho, it can also be explained as a process of adjustment to the difficulties brought about by internal factors such as population expansion and ecological debilitation which began to impinge upon the country during the closing decade of the 19th century. The pressure on the land arising from population increase was noted by F. Ellenberger, an informed missionary resident at Masitise: "Soon the country will no longer suffice for its inhabitants, the population increases considerably from year to year; the

⁴³ Ibid.

⁴⁴ Colonial Annual Report, Basutoland, 1893, Report by E. Enraght Moony, dated 1st July 1893. Hereafter CAR.

fallow shrinks in the same proportion and at the same rate as the pastures", he emphasized. There was widespread evidence of exhaustion and soil erosion in the country which evoked the following comment by Germond:

Within the short space of a century or a little more, and by human agency alone, a rich agricultural country was brought to the verge of ruin, and mutilated almost beyond recognition.⁴⁵

In order to understand the gravity of this problem, the traditional mode of land ownership and land use should be explained. Traditionally, each Mosotho household was entitled to three plots of land on which to grow each of the traditional crops: wheat, corn and maize. The principle of this type of land allocation was only tenable in so far as there was an abundance of land in relation to the population. Ostensibly, there was an imbalance in Lesotho because the supply of land remained constant while population increased. One result of this population explosion was a decrease in the amount of cultivable land per family. That is to say, the traditional method of residential mobility and shifting cultivation was no longer practicable. The problem was vividly noted by G.Y. Lagden in his report for 1895:

The land is the great and fertile source of troubles, requiring continuous attention. They may be expected to recur annually. The country is circumscribed, the population

⁴⁵F. Ellenberger, letter from Masitise, dated November 1890 cited in Germond, Chronicles, pp.409-10.

TABLE 3. Population Record of Lesotho 1875-1960

YEAR	TOTAL POP- ULATION	INCREASE	% INCREASE	AVERAGE % INCREASE P.A.
1875	127,000			
1891	218,000	91,000	71.6	4.5
1904	348,000	129,000	59.3	4.6
1911	402,000	55,000	15.9	2.3
1921	496,000	94,000	23.4	2.3
1936	559,000	63,000	12.8	0.8
1949	561,000	2,000	0.4	0.0
1956	639,000	78,000	13.8	1.4
1960	788,000	149,000	23.3	5.8

Sources: Compiled from R.C. Germond, op.cit. p.471, R.R. Kuczynski, Demographic Survey of the British Colonial Empire, II, 1947, pp.17-74, Basutoland Colonial Reports, 1891-1960.

is growing the land suitable for cultivation is all allotted and taken up, and the rising generation of men are no longer able to support themselves upon it....⁴⁶

What choices were left for the "rising generation of men" to provide for themselves within Lesotho? Structurally, the rising generation of men had no other choices left but to turn themselves into labour migrants. The dynamism of the

⁴⁶ CAR, Basutoland, 1895; Report by G.Y. Lagden, Resident Commissioner to H. Robinson, dated 29th June 1895. See also H. Robinson to Chamberlain, Secretary of State, letter dated 19th August, 1895.

migrant pattern had emerged. Roger Leys puts this point succinctly when he writes that the process of "proletarianization had reached the point of a condition of subsistence (italics in the original) of the household economy in the mines, farms and railroads of South Africa."⁴⁷ In this context, G.Y. Lagden stated in 1895:

The industry of the people is proverbial; some 25,384 have again gone abroad to labour during the year. They learn the discipline of labour and appreciate the corresponding value of money, acquiring at the same time probably such vices as are readily picked up in their travels, and losing some of the qualities which the primitive native is acknowledged to possess.

[Since] they are able to bear the burden of their own advancement in such ways, and, if willing, should be encouraged to help themselves. It is necessary, nevertheless, to bear in mind, that ordinary labour is itself a great industry, desirable of cultivation, that South Africa requires ordinary labour largely, and that a preponderance of natives skilled in technical trades might not be beneficial to themselves or their surroundings.⁴⁸

Lagden's statement brings out two points. First, it is a reflection of the extent to which the Basotho kept the work ethic, referred to by officials as an "illustration of their national industry". The second point raised by Lagden is in reference to the "cultivation" of unskilled labour. It is imperative to note that unskilled labour within the context of South African thinking was also regarded as cheap labour. The Chamber of Mines, which was the chief employer of the Basotho, needed cheap unskilled labour. To all intents and purposes the Chamber wanted the cost of African

⁴⁷ Roger Leys "Lesotho: Non-Development or Développement", in I. Shaw, K. Herd (ed.) The Politics of Africa: Dependence and Development (Longmans Dalhousie University Press, 1979), p. 122.

⁴⁸ CAR, Basutoland, dated 29th June 1895.

labour kept as low as possible. The employers justified their bid to undercut African wages by propagating that Africans were "target" workers who went to work

only in order to make enough money to return to their kraals with sufficient means to enable them to marry and live in indolence.⁴⁹

This was consistent with Lagden's overall views. In one of his reports he pointed out that the Basotho were no longer engaging in employment either within their own country or "upon the border farms at low rates of wages" when they could earn £2 to £3 a month at the mines. He asserted that

...The effect also upon some who accumulate considerable wages is to promote laziness, while, on the other hand, many require tastes for civilized clothes and furniture and spend their money accordingly.⁵⁰

This statement is important and requires further explanation. It clearly shows how much the colonial administration in Lesotho shared the same views with the employers in South Africa: high wages might spoil the Basotho. High wages encouraged sloth. Ideally, wages paid to the Basotho should be kept hovering on the starvation line since that was the only way to keep them working. The evidence shows that this "ideal" position was already reached in Lesotho by 1897. If

⁴⁹ Industrial Commission, Enquiry, 1897. p.219, See also van der Horst, Native Labour, p. 165..

⁵⁰ CAR. Basutoland, Report by C.Y. Lagden to H. Robinson dated, 30th June 1896.

the district reports were accurately recording the situation in each district, there is every indication that "many people were leaving the country" owing to scarcity of food" and "in order to obtain money to supply their wants."⁵¹ The Basotho could not, therefore, sit under the trees and doze, they had to work to keep from starving!

The already gloomy picture of Lesotho was exacerbated by the outbreak of rinderpest epidemic in 1897. This disease first appeared at Fobane and Monyamaneng in Leribe district in the month of May 1897. Within a short period of time, it had claimed nearly 2,000 head of cattle. During the same month its presence was noted at Thabana Morena and soon went riot throughout Berea, where it claimed 6,000 head of cattle. All the districts of Lesotho were reporting the destruction caused by the disease. In total it was estimated that 90% of the bovine population had perished. E. Jacottet, a missionary based at Thaba Basin lamented:

No more herds of cattle; it is possible to travel for hours without seeing any. The rinderpest has accomplished its task of destruction even more completely.... Those who but yesterday were rich, have become poor.⁵²

⁵¹ CAR Basutoland, Mhales Hock district dated 30th June 1896, Cf E.D. Blyth, Sub-Inspector, Butha-Buthe to Resident Commissioner, Report dated 20th June 1896.

⁵² Germond, Chronicles, p.479. Letter by E. Jacottet, Thaba Basin, 1898.

The political and social consequences of the disease have been closely examined by Pule Phoofolo and Charles van Onselen, and will, therefore, not be repeated here.⁵³ The essential point is that the renepese (rinderpest) more than any other factor, contributed to the rapid entry of the Basotho into the labour market. In 1898, the number of Basotho travelling to labour reached nearly 40,000, and almost an equal number left for "other purposes".⁵⁴

In 1899, the South African War (Anglo-Boer War) broke out and almost completely shut off the usual avenues for Basotho labour. The fall in the labour market led to a drastic fall in the number of labourers going abroad and, as H.C. Sloley pointed out, the "national industry" (viz Basotho labour) was badly affected. However, the opening of vast employment opportunities with the imperial forces led to "thousands of Basotho being enrolled in non-combatant branches of the army". The desire to labour with the military was evidence that the Basotho had reached a stage of reliance on the earnings derived from wage labour abroad. The extent of this dependence on wage earning was succinctly pointed out by Lagden in 1899:

⁵³ P. Phoofolo, "Renepese Lefa la Likhomo: The Rinderpest Epizootic of 1887-1897: A Preliminary Survey." Paper presented to the International Conference on Southern African History, National University of Lesotho, Roma, in August 1-7th, 1977. Charles van Onselen, "Reactions to Rinderpest in Southern Africa", in Journal of Africa History, 13(1972) pp.473-88.

⁵⁴ CAR, Basutoland, G.Y. Lagden to Alfred Milner High Commissioner, dated 5th August 1898. See also H.C. Sloley, Government Secretary's Annual report, dated 30th June 1898.

Though for its size and population Basutoland produces a comparatively enormous amount of grain, it has an industry of great economic importance to South Africa, viz the output of native labour. It supplies the sinews of agriculture in the Orange Free State; to a large extent it keeps going railway works, coal mining, the diamond mines at Jagersfontein and Kimberley, the gold mines of the Transvaal, and furnishes in addition a large proportion of domestic servants in the surrounding territories.... These facts are the best rejoinder to those who urge that Basutoland is a useless native reserve. To others who urge higher education of the natives, it may be pointed that to education them above labour would be a huge mistake.⁵⁵

Lagden's statement not only showed the wide range of areas where the Basotho sought wage labour, but more specifically, it indicated the ultimate goal of educating Basotho only so that they could become better labourers. In other words, within the context of the political economy of South Africa, Lesotho was destined to be a labour reservoir to supply the labour needs of the employers in South Africa.

To sum up, the two decades after 1870 experienced the growth of labour migration from Lesotho to South Africa. Though from the beginning these migrations were for purposes of obtaining certain discretionary goods such as guns, and other mundane things, from the mid-eighties, however, migrations resulted from economic difficulties facing Lesotho. By 1900, labour migration had become of fundamental importance to the country. But significantly, there was no superstructure of administrative control to supervise the process.

⁵⁵ Ibid, Lagden to Milner, letter dated 30th June 1899.

CHAPTER II

RECRUITING OF BASOTHO LABOUR FOR THE GOLD MINES AND THE EVOLUTION OF ADMINISTRATIVE CONTROL: 1902-1907.

On the 28th November 1899, Sir Alfred Milner, High Commissioner of South Africa, wrote to Sir Percy Fitzpatrick outlining what he perceived to be the future of the South African sub-continent. He stated that:

One thing is quite evident. The ultimate end is a self-governing white Community, supported by well-treated and justly governed black labour from Cape Town to Zambesi.¹

The attainment of this imperial policy in South Africa after the South Africa War of 1899-1902 was in all respects, a formidable task. The war had created an insurmountable amount of destruction both in material and human terms. Against this brief background, Milner believed that the most important impulse towards achieving his imperial goal was the restoration of prosperity to South Africa.

This depended on the rapid exploitation of the gold mining industry. In his opening address to the Inter-colonial Council, Milner emphasized the importance of gold production

¹C. Headlam, (ed.), The Milner Papers, Vol. II (Cassell and Company, London:1933)p.35. Hereafter Milner Papers II.

as a means of generating revenue. His point was that

Under these circumstances, it is peculiarly foolish for the wiseacres overseas who know our business so much better than we know it ourselves to say: 'Oh, it does not matter whether you get out your gold quickly or slowly. It won't run away.' It does matter enormously, at what pace we get it out... the faster we get it the greater is the overspill...and it is that overspill which benefits the local community and fills the coffers of the State...²

To get gold production going Milner's administration concerned itself with three immediate problems. The first was capital which was needed to finance restoration programs. This was met by a loan of 35 million pounds guaranteed by the British government.³ The second problem was transport and communications which made the movement of goods to and from the inland industrial centers slow and costly. However, through exceedingly skillful arrangements, Milner was able to create a central railway system and a single customs union embracing all the Southern African states and protectorates.⁴ Thus, transport problems were duly solved.

The third problem to which the regime gave attention

²Milner Papers II, pp.490-1. See also (cd 1552) xiv p.3 Milner to Chamberlain and the Times, Tuesday, 28, July 1903.

³C.O. 879/75, Proposed Transvaal Guaranteed Loan, Memorandum dated 1902. See also Milner Papers II, p.439

⁴E.A. Walker, A History of Southern Africa, (London: 1957)p.507.

was the supply of cheap unskilled labour upon which the mining industry depended. On the wider level, Milner's determination to secure sources of cheap labour led him into negotiations with the Portuguese administration in Mozambique. For various reasons given by D.J. Webster, M. Harris and others, the southern part of Mozambique had supplied most of the pre-war Rand's unskilled labour force.⁵ For that reason, Milner wanted the supply of labour from these areas to continue. In August 1901, he paid a visit to the Governor-General of Mozambique and in December the two concluded a modus vivendi which restored the pre-war connections.⁶ The agreement stated, inter alia, that the Portuguese would receive a passport fee of 13 shillings for every labourer recruited for work on the Rand on a contract period of one year.⁷

In the meantime, the Witwatersrand Native Labour Assoc-

⁵D.J. Webster, "The Origins of Migrant Labour, Colonialism, and the Under Development of Southern Mozambique", in P.L. Bonner (ed.), Working Papers in Southern African Studies. (African Studies Institute, University of Witwatersrand and Johannesburg: 1977) pp.236-279; M. Harris, "Labour emigration among the Mocambique Thonga: cultural and political factors", in Africa Vo.29, pp.50-66.

⁶Milner Papers II, pp.241-2.

⁷Chamber of Mines Annual Report, 1902, Minutes of Executive Meeting No.97/02, p.477. Hereafter CMAR. See also Milner Papers II, pp.509-10.

ation⁸ entered into a series of secret contract agreements with various concessionary companies in Mozambique. One such contract was concluded with the Nyassa company which held substantial concessions in Mozambique, by which the WNLA was guaranteed a near-monopoly of recruiting in the area. By this agreement, non-members of the WNLA were refused recruiting licences in any area under the company's jurisdiction. In return for this the WNLA pledged to pay the company a net sum of 13 shillings for each labourer recruited on a year's contract and 25 shillings for those leaving for a period of two years. Similar agreements were concluded with the Zambesia Company another concessionary company in Mozambique. In addition, the WNLA sought permission from the Foreign Office (F.O.) to extend its catchment area to the British protectorates of Nyasaland (now Malawi) and the Rhodesias (present day Zambia and Zimbabwe).⁹ All these agreements clearly indicated the priority that was given by the Milner regime to secure sources of cheap unskilled labour for the gold mines.

⁸The Witwatersrand Native Labour Association was formed in 1900 to replace the Native Labour Supply Association. It was constituted to procure and distribute African labour among the various shareholders.

⁹CMAR, Vol.14, 1903, p.52. See especially the terms of the Agreement between Witwatersrand Native Labour Association and the Companhia de Nyassa, Lisbon, dated 6th October 1903. See also F.H. Strange to Chamberlain, letter dated 21st January, 1903.

At the detailed level, the attention of the regime was paid to measures which would control the labour force within the gold mining industry. For example, there was reform in the pass department which was expanded to include a fingerprinting section. This was done in order to detect Africans who for various reasons might desert work. Laws relating to the sale of liquor to the Africans as well as those governing the relations between "master and servants" were rigorously enforced.¹⁰ These measures, it can be pointed out, were intended to bring under strict control African labour already in employment on the Rand. They were not apparatuses intended to force and compel Africans to leave their home areas to seek work in the mines. In this situation where African labour was short of the mines' labour needs and where prospects for labour coming out voluntarily were bleak, the best method of procuring labour, ultimately was through expansive recruiting.

It is within this perspective that we shall examine the process of labour recruiting in Lesotho with a view to analysing the role of the state in the process and the policy which emerged as a result of state participation in the process.

¹⁰Parliamentary Papers, 1902, IXIX (cd:904). Memo, G.Y. Lagden Commissioner for Native Affairs. See also Parliamentary Papers, 1901 (cd.714), Papers relating to Certain Legislation of the Late South African Republic, Affecting Natives, p.42.

From the evidence available, the WNLA started its recruiting operations in Lesotho in 1902. But according to one source, the WNLA was frustrated from the outset by two related issues. First, as H.C. Sloley sums up in his report for the same year, the Basotho were not attracted to sign with the WNLA agents owing principally to the fact that the wages at the Rand were exceptionally low. Hence, while they "were being recruited by the military departments, which were offering able-bodied labourers quite exceptionally high wages," few if any, sought labour on the Rand. Sloley added one promising note:

...when the Basuto natives have recovered from the unsettlement of the war, and the abnormally high wages...a supply of labourers at reasonable rates will be procurable in Basutoland.¹¹

But low wages on the Rand was not the only thing which constrained the recruiting activities of the WNLA. The real problem, it would seem, was that the Association faced stiff competition from as many as "19 industries represented by agents" in Lesotho.¹² It would appear from Sloley's report that the WNLA had no chance of breaking the hold on the labour market by the independent labour agents.

But who were these labour agents and how did they

¹¹ CAR, Basutoland, 1901-02, H.C. Sloley's Report dated 30th September 1902.

¹² Ibid.

operate in Lesotho? Most of the recruiting of Basotho labour was carried out by traders whose stores were scattered throughout the country. These stores were strategically located at district headquarters near mission stations, homesteads of chiefs and other important men. The traders operated an advance system which worked thus: a prospective labourer who wanted to go to South Africa would go to a trader and ask for an advance in money or in goods and sign an agreement to proceed to work for the employer for whom the trader was plying labour. During the period of his service, the labourer, now indebted to the trader, would not collect his wages, these would instead be sent to the trader. Such a man would work until all the advance was paid off before returning home. The system worked effectively in favour of the trader in two ways. First, it ensured that the recruited labourers spent their money at home rather than at the work place, so the system boosted the commercial activities of the traders. Apart from the profit they made through direct advances to the labourers, they also received capitation fees of between 25 shillings - 30 shillings per labourer supplied, thus giving the traders even larger gains.¹³

Recruiting in Lesotho was also carried out by representatives of private recruiting firms such as Mackenzies, Hadleys, Mosterts and Stephens which were formed about the

¹³ S3/3/1/1 Basutoland, Applications for labour agents licences.

same time with the WNLA to recruit labour for industries in South Africa. Of these, Stephens Labour Organization Company established its headquarters at Maseru and had branches in Mafeteng, Mochales Hoek, Qacha's Nek in the south; Leribe, Peka and Butha Buthe in the north.¹⁴ The agents of the firm were in direct competition with the traders and others who had been engaged in labour recruiting.

The competition for Basotho labour which followed, brought with it many irregularities and abuses, which had for a long time been a common feature of competitive recruiting. Reports from the districts during this period referred to widespread cheating, misrepresentation of conditions of work to potential labourers, and the like. These irregularities, it was noted, were responsible for desertions as labourers discovered that conditions of work were not as told to them by the recruiters.

These irregularities which made a mess of the recruiting process became an important issue for the colonial government in Lesotho. In 1903, desirous of mitigating the abuses, the government intervened by issuing a proclamation which obligated all those seeking to procure labourers from Lesotho for work beyond their borders to apply for a recruiting

¹⁴ S3/3/1/2 Basutoland, Recruitment of Basuto labour.

licence from the government.¹⁵ Each licence was £5 plus an additional 5 shillings for each runner employed by a licensed labour agent. The table below shows the number of licences issued by the Resident Commissioner in 1903 and thereafter.

TABLE 4: Showing the number of recruiting licences issued in 1903 and 1904-08.

Districts	1903	1904	1905	1906	1907	1908
Berea	9	9	8	27	10	0
Lerube	8	8	49	18	6	9
Maseru	44	44	108	185	34	3
Mafeteng	3	3	38	54	17	18
Mohales Hoek	9	9	20	13	13	0
Quthing	3	1	1	1	1	0
Qacha's Nek	1	1	1	0	0	0
	77	75	225	298	81	30

Source: CAR, Basutoland: District Reports 1903, 1904-08

Evidently, recruiting of labour was largely concentrated in Maseru; the capital and also the centre of commerce and

¹⁵ Official Gazette of the High Commissioner for South Africa. See Notice dated 11th December, 1903. Proclamation No. 7 of 1903, which made this also the official gazette of the government of Basutoland. For this see CAR, Basutoland, Report dated 30th June 1903, p.9.

business; and there were lesser centres at Leribe, Beréa and Mafeteng which were easily accessible. The remote mountain districts of Quthing and Qacha's Nek had few recruiters because they were far from the labour trafficking stations.

It is necessary to note, however, that in spite of the existence of numerous licensed agents scattered throughout Lesotho, the Basotho men exercised a great deal of choice whether to sign with the agents or not; and indeed, were free to go to any labour market of their choice. The Resident Commissioner noted that given this freedom of choice, "comparatively few of the Basuto labourers choose to go to the Johannesburg gold fields, but appear to be able to find nearer and more attractive employment."¹⁶ Table 5 below clearly shows these destinations and also reveals some interesting trends in the pattern of labour migration. It is evident that the most popular destinations of Basotho labour were "farm and domestic services", then migration for "other purposes", followed by the Johannesburg mines. While farm, domestic service and labour for other purposes drew men from all over the country, mine labourers were primarily drawn from Leribe, Maseru and Berea districts. The southern most districts of Quthing and Qacha's Nek contributed only 0.3% to the total mine labour force.

Yet, the report by the WNLA relating to the number of

¹⁶ CAR, Basutoland, Report dated 30th June 1903.

TABLE 5. Showing The Numbers And Destinations Of Basotho Labour, 1902-3.

	Leribe	Beres	Maseru	Mafetong	M. Höck	Quthing	Qacha's Nek	Total
Johannesburg	1,731	706	4,968	207	199	17	7	7,835
Kimberley	701	--	1,339	36	442	9	.6	2,653
Natal Mines	1,164	--	--	--	--	--	--	1,164
Railways	3,820	584	1,168	431	51	--	--	6,054
Farm and Domestic	13,797	425	2,464	7,632	6,591	1,873	1,260	31,042
Other purposes	21,816	12,365	10,526	12,791	4,762	5,448	10,494	78,202
Cape Coal Mines	--	--	106	25	153	47	21	352
Jagersfontein	--	--	123	1,666	233	--	8	2,030
Military	--	306	--	64	6	--	--	376
Total	43,029	14,386	20,694	22,852	12,437	7,394	11,796	129,708

Basotho labourers entering the mines shows a wide discrepancy in the government report. The number of Basotho received by the mines, shown in the table (6) below, was only a small percentage of that which appeared in the government report. This anomaly can be explained by the fact that many Basotho may have initially indicated to the pass officers at home that they were bound for the mines, but on reaching Johannesburg, they defected either into the Johannesburg waterworks or municipal works, both of which employed a significant number of Africans.

All this raises the question: why were the gold mines unpopular not only with the Basotho but a large number of African workers as well? The Resident Commissioner noted that the reason why Basotho dodged the mines was simply because they obtained higher wages elsewhere.¹⁷ Sloley's assertion was correct. As is evident from table (7) below the gold mining industry was not at all competitive in its wage-rate structure. The margin between wages on the mines and other areas was significantly wide.

The low wages offered by the mines were responsible for keeping African labourers in general, away from the mines. This realisation led to readjustment in 1902 of African wages from their minimum rate of 31s. per month of thirty shifts

¹⁷ Ibid.

TABLE 6

NATIVES RECEIVED 1901, 1902, 1903, 1904, 1905

BRITISH SOUTH AFRICA										British Central Portuguese East Africa										TOTALS	
Transvaal	Swaziland	Bechuanaland	Cape Colony	Basutoland	Orange, Free State	Rhodesia	British Central African Protectorate	North Eastern Rhodesia	Fort Jameson	Gaza, Ithasane and Lourenco Marques	Guilimane, Fete Argas	Mozambique	Nyasasa	Belua, Chinese	South West Africa	Local	Army Labour Dept	I.M.P.	Proctoria	Secocomi per D.M.I.	
January 1891		408	2300	400			103			3800	53	155				3020				12009	
February 1891		838	5002	914	584		171			3581	89	165		24		4002				15443	
March 2811		316	2234	795	199		119			3809		129		33		3205				13789	
April 2379	13	480	602	16	1800		216			3700		57		19		1626				17434	
May 213	3	54	721	43	800					3500	3	147		7		1307				9043	
June 1323	21	1	58		477					2800	44	39		54		1207				6569	
July 671		17	425		37					3000	93	1		6		1453				5902	
August 472		30	281		50					3200		1		5		1723				5803	
September 275		27	18	21	21		100	222	50	2300		134	21	27		1771				5506	
October 375		87	83	68	4		573	97	27	2850	190	323	10	2		1690				6365	
November 419		17	59	111			434	30	29	2500	9	250	25			1640				5483	
December 161		34		50			143	133	40	2400	140	128	8			1824				5062	
1905	14099	39	2312	10570	2382	4005	1938	482	130	30400	587	1568	94	177		24432				101524	
1904	11755	35	1223	19403	1798	2362	1140			27800	1906	1308	275	249	236	26924				87893	
1903	11775	273	240	7052	2058		911			34800	417	1086		84	620	14656				85377	
1902	19701		357	304	426					38600		504				3423		264	884	59261	
1901	5762			91												1748	1507	5200	363	14851	
GRAND TOTAL	54250	247	2162	31138	5755	6017	4069	482	130	148300	2900	4400	369	310	918	71233	1507	5554	363	347906	

Source: EMAR, Witwatersrand Native Labour Association, Limited, Appendix (B).

Table 7. Showing wage rates at the mines and other areas
(in shillings per month).

Selected Labour Centres	1899	1901	1902	1903
Johannesburg Gold Mines	50	31	33-35	50
Johannesburg Water Works	85	--	--	67
Port Elizabeth Works	70	--	--	65
Bloemfontein Works	70	--	--	80
East London Works	56	--	--	75
Basutoland	35	--	37	37
East London Ports	55	31	50	54
Cape Town	95	--	--	125

Source: WNLA, Annual Report, 1903, dated 24th August, 1903.

to a maximum of 50s. per month.¹⁸ According to van Horst, this system of "maximum average" was introduced to obviate competitive bidding by the mines. Under this system each mine was allowed "some latitude in organizing their labour forces and adjusting wage-rates to individual capacity and effort".¹⁹

This increase in wage-rates did not lead to an upsurge in the supply of labour, especially from Lesotho. As a result, the mine managers tried once more to use higher wages as an

¹⁸CMAR, 1902, Circular No.13, dated November 1902.

¹⁹S. van der Horst, Native Labour, p.165.

inducement to the Basotho in particular and Africans in general, to come to the mines. In a letter to the managers, Goldring, the secretary to the Chamber of Mines, recommended that new rates of 45-50s. for surface and 60s. for underground works should be introduced with immediate effect. This was followed by instructions from G.Y. Lagden, Commissioner for Native Affairs to all the administrators to propagate the news about improved wages throughout the catchment areas.²⁰ Apparently, the new rates had been introduced purely to attract labourers from Lesotho and the Cape Colony where resistance to mine labour had been more pronounced than in other areas.²¹

In spite of the adjustment in the wage rates, neither the Basotho nor those from the Cape Colony were over enthusiastic about going to the mines. The people from these

²⁰ SNA 163/03, Lagden, Commissioner for Native Affairs to Resident Commissioners and officers of the Administration of the British South African Colonies and States, letter dated 23rd January, 1903. See also CMAR, 1903 pp.109-110. Windham, Secretary for Native Affairs assured Goldring, of the Chamber of Mines that the administrators were committed to bruiting the news about improved wages and that they agreed to encourage the flow of labour to the mines. For this see CMAR, 1903 Windham to Goldring, letter dated 12 February, 1903.

²¹ (cd 2183) IXXii 2 Further Correspondence Relating to Labour in the Transvaal Mines, Enclosure No.5, Telegram: Viscount Milner to A. Lyttelton, Secretary of State, dated 19th June 1904.

areas "had become accustomed to getting over 50s. per month of thirty shifts."²² For labourers from these areas, a special rate of a minimum of 50s for surface and 60s. for underground work was to be paid. In addition, a productivity benefit of £3 was to be given to time-expired workers re-engaging for another contract of one year and £1.5 for those re-engaging for six months only. These emoluments were aimed at the labour force already in the mines; to persuade them to extend their contracts.²³ As might be expected, these adjustments led to a good number of Basotho leaving for the mines in 1903. In this regard, H.C. Sloley noted with some degree of gratification that the Basotho had at least changed their attitudes towards mine employment. In his words:

A closer account has been kept of the destinations of labourers, and it would appear from it that a larger number of natives have this year gone to work in the Johannesburg mines.²⁴

Sloley noted however, that the Basotho were more sedulous in choosing those places where their labour attracted the highest.

²² Ibid.

²³ The Basotho labourers seemed popular on the Rand because of their proven ability as shaft sinkers and as such the mine owners strove to induce them to stay in employment at the mines.

²⁴ CAR, Basutoland, 1903-04, Report by H.C. Sloley, dated 30th June 1904.

emoluments. But, the fact that migrants to the Johannesburg mines accounted for only a small proportion of the total migrants for 1903, strongly suggests that other factors than low wages were responsible for the unpopularity of the Johannesburg gold mines.

The reports by chiefs and delegates appointed in 1903 to investigate conditions of African labour on the Rand revealed that living and working conditions in the mines were responsible for Africans shunning the mines. The reports referred in general to Africans being ill-treated and forced to work on Sundays and during sickness. Typically, Langa, a delegate from the Transkeian Territories summed up his findings in this words:

...They (labourers) complained of being forced to work when ill, and did not get proper care and treatment, and when their friends wished to take them home they were not allowed to do so. Consequently, a number died at the Rand for want of proper care and treatment...They also complained that they were forced to work on Sundays...25

Chief Sipendu of Mganduli concluded with the same note:

...The common faults at all compounds I have visited are that the sleeping rooms for boys are too small, and badly ventilated, and some to a certain extent, unfit to be inhabited by human

²⁵(cd 2025) 1904, Correspondence Relating to Conditions of Native Labour in the Transvaal Mines, p.25.

beings...the boys complained that they were sjamboked (thrashed) and bullied...and that when they are sick they are not allowed to go home.²⁶

Many of the chiefs and delegates called upon the mine owners, to improve the conditions under which their subjects were employed and insisted that they would encourage their men to go to the Rand only if reforms were made in the compounds. In this regard, Mbuli, a delegate from Herschel district expressed the opinion that:

I would say, if the mine owners would put these matters right, namely, wages, proper treatment...I think we shall then be able to get large numbers of our people to go to the mines...²⁷

Unless the reforms were instituted, the Chiefs of Lesotho also warned, they would not encourage their subjects to go to Johannesburg where "they would die."²⁸

The report issued by the Native Affairs Department in 1904 gave statistical backing to the chief's observations relating to the poor conditions on the Rand. Table (8) below shows the mortality rate among African labourers and indicates the causes of the death toll.

²⁶ Ibid., p.27.

²⁷ Ibid.

²⁸ The Times, 16th February, 1904.

TABLE 8

TERRITORY	Number of workers employed	Causes of Death 1903						
		Poor Food and Housing		Poor Working Conditions				TOTAL
		Pneumonia	Dysentery	Scurvey	Miners' Pthisis	Accidents	Others	
Basutoland	8000	56	6	9	3	13	6	93
Bechuana- land	2400	59	4	3	1	5	7	79
Central Africa	1200	73	12	1	6	17	6	115
Cape Colony	13700	33	10	7	4	19	8	81
Natal	16900	15	4	3	5	11	11	49
Orange River Colony	2800	3				1		
Mozambique	62000	1660	276	167	233	233	444	3013
Swaziland	750	8	1	4		4	5	22
Transvaal	26200	158	21	13	19	25	35	271
TOTAL	133950	2074	375	207	271	328	522	3727

Source: [Cd. 2401], Further Correspondence Relating to Labour Conditions in the Transvaal Mines, Appendix 7, Report by G.Y. Lagden, dated 30th June 1904. See also (cd. 2025), Enclosure No. 10, Viscount Milner to Lyttleton, letter dated 9th April, 1904.

It is evident from the table that deaths associated with living conditions, food and the like, accounted for 71 per cent of the death toll for 1903. Those associated with the work place; miners' pthisis (silicosis) and accidents made up 16 per cent, while "other causes" of death 13 per cent. The percentages of death among young men in the prime of life were horrendous. These figures go far to explain why, unless Africans in general, and Basotho in particular, were desperate, they would shun the gold mines.

The revelation on the death rate in the mines and its contribution to the shortage of African labour became the subject of protracted discussion within G.Y. Lagden's Department of Native Affairs. As head of the department, Lagden felt bound to enforce all the necessary reforms in the mine compounds. Alan Jeeves contends that for several years Lagden's department:

...fought with Max Langerman to get the Robinson group to provide decent conditions in its compounds. On one occasion Langerman was virtually ordered to accompany Lagden on a tour of the Robinson compounds.²⁹

The same author asserts that the failure of the Robinson group to comply with Lagden's reform measures culminated in

²⁹ A.H. Jeeves, "The Administration and Control of Migratory Labour on the South African Gold Mines: Capitalism and the State in the era of Kruger and Milner" in P.L. Bonner, (ed), Working Papers, p.146.

a threat by Lagden to "withdraw the passes from the group's labour force."³⁰ Such a move would obviously have denied the group any supply of African labour since it was illegal for Africans to remain in the Johannesburg area without passes. This confrontation with the Robinson group, it may be argued, was only an example of what might be referred to as a general desire by:

the Department to see that the general treatment of native labourers is maintained up to a certain standard throughout the mines, and to press for remedy wherever the treatment may fall short of that standard.³¹

As a result of the pressure from the Department of Native Affairs and the British government, many mine managers embarked on reforms in the mine compounds in 1905. Significantly, these reform measures came at an opportune moment, for in the same year, a serious economic recession struck the sub-continent, destroyed all the alternative labour markets into which Africans had sought wage labour and forced many of them to go to the Rand mines. Sheila van der Horst recounts the episode in these words:

³⁰ Ibid.

³¹ (cd 2183), Further Correspondence Relating to Labour in the Transvaal, Report by W. Windham, dated 5th September 1904.

...as the post-war boom collapsed through-
out South Africa the demand for Native
labour in other occupations fell, and
Natives went to the Transvaal gold mines
in increased numbers.³²

The dramatic turn of events was also noted by Wroughton, Government Secretary in Lesotho. He pointed out that the year was a "bad one, and this in an agricultural country necessarily means depression in trade and general scarcity of money"³³ and that these problems aided the process of migration to the mines. Wroughton's conception was based on the number of passes given to Basotho, who purportedly suggested they were going to the mines. His report noted that:

Passes show a considerable and very gratifying increase in some 10,000 for the year under report. The passes for "visiting" only increased by 1,000, while passes for "work" show an increase of 9,000. As in former years, the heaviest figures show under "miscellaneous work" which accounts for practically half the total labourers who went to work.³⁴

The pass statistics tabulated below show that the increase in migration from each of the districts in 1905 was spectacular. It is evident that migration to the farms, domestic and other areas increased tremendously in 1905. But the figures

³² S. van der Horst, Native Labour, p.172.

³³ CAR, Basutoland, 1905-06, Wroughton's Report dated 30th June 1906.

³⁴ Ibid.

TABLE 9
SHOWING POPULATION, PASS STATISTICS AND LABOUR MIGRATION TO VARIOUS DESTINATIONS

Districts	Male Population	Female Population	Total Population	Johannesburg Mines	Indwe Coal Mines	O.R.C. Mines	Jagersfontein Mines	Railway Construction	Farm and Domestic	Miscellaneous Work	Kimberley Mines	Johannesburg Municip.	Other Mines	Totals
Leribe	36,509	46,748	83,253	6,244	2	---	---	4,363	2,888	28,018	132	---	---	41,267
Berea	15,138	25,138	44,988	2,195	---	---	---	3,341	2,910	1,182	496	---	---	10,124
Maseru	36,285	43,147	79,432	3,134	12	---	---	698	927	2,985	921	781	857	10,315
Mafeteng	29,264	35,743	65,002	504	4	98	2,617	285	7,750	3,494	541	---	7	15,293
Mohales Hoek	27,047	32,028	59,075	141	21	282	536	---	2,890	2,371	790	---	---	7,031
Quthing	17,128	18,555	36,683	54	9	351	117	---	403	2,005	35	---	---	2,974
Qacha's Nek	17,224	18,449	35,673	95	39	---	---	11	1,034	6,425	14	---	---	7,618
Total	183,303	219,808	403,111	12,367	87	731	3,270	8,698	18,802	46,480	2,929	781	864	94,982

SOURCE: CAR, Basutoland 1905-06. Population figures are for the year 1904.

should be taken with caution. Since the periods people spent working in these areas mentioned are short; ranging perhaps from a few days to few weeks in duration, the statistics show the aggregate number of people who may have obtained passes several times in the course of the year to cross the border into South Africa. The figures, therefore, do not indicate the rate of migration, but rather, the incidence of it. From this, one can conclude that whatever the actual number of people who left for work on the farms, as domestic servants and in other areas, the incredible figures under these heads reflect the degree of devastation caused by the recession of 1905. The figures also show that the Basotho preferred to work in areas outside the Johannesburg gold mines.

That being the case, the almost unprecedented number of labourers from Leribe, Maseru and Berea who went to the gold mines in 1905 should be taken with caution. This is because on the average the Basotho went to work in the mines for only six months at a time so that the figures showing the number of migrants to the Rand in 1905 more or less represent the number of passes issued to men who may have travelled to the mines twice in the same year. The evidence to support this assertion is circumstantial and is based on a circular issued by the WNLA to its agents in Lesotho in 1905, instructing them to recruit only those who were prepared

to work for a "period of twelve months and for underground work³⁵ only."

The Basotho resisted the attempts to recruit them on a long-term basis. The WNLA reports for the period showed that only 900 men were engaged according to the new contract terms. This led to an immediate change in the regulation and in 1906 the mine-owners reported that:

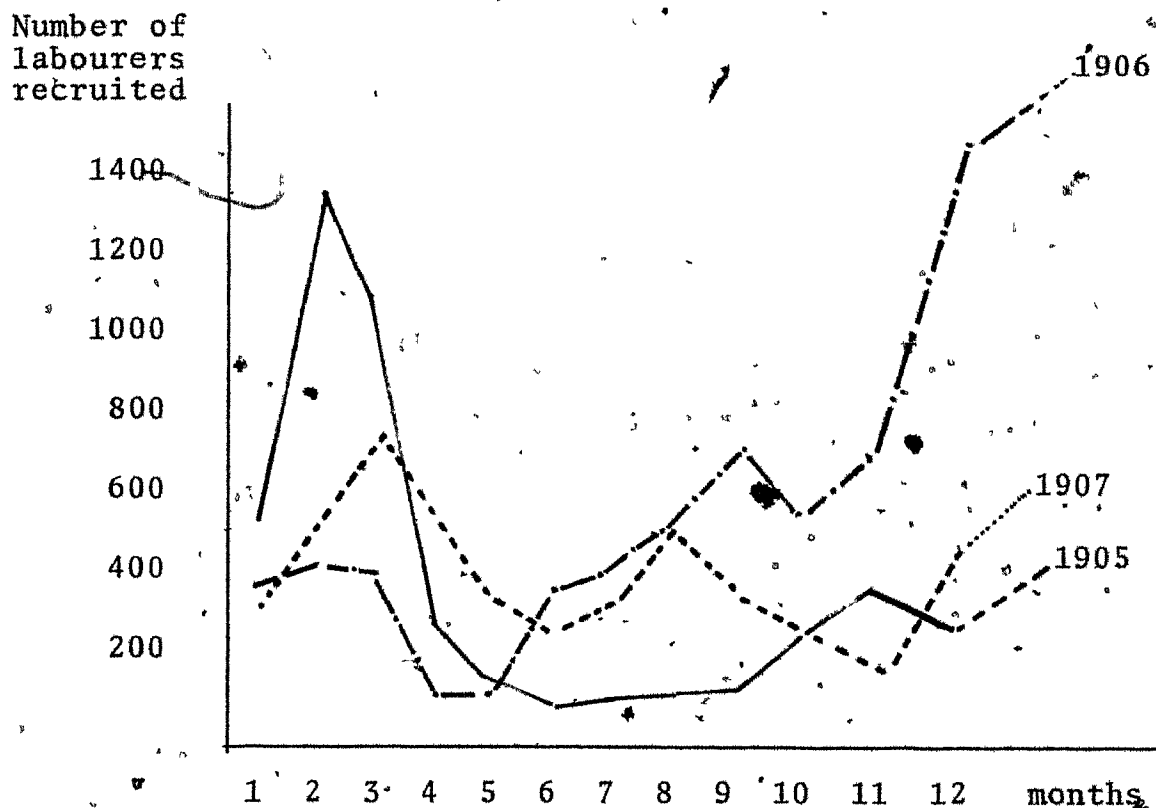
Special arrangements have been authorized in the Northern Transvaal and Eastern Transvaal, Basutoland and the Cape Colony under which natives can engage for the shorter period of service if they wish it on undertaking to refund to the Association part of the cost of bringing them to the Rand.³⁶

Thus, there emerged a very interesting trend in the process of Basotho labour migration to the Rand. A reference to the graph below will show clearly this pattern of Basotho migration. It is evident that most Basotho tended to go to the mines during the first quarter of the year. Then, as the winter months (May, June, July) approached, the number of migrants declined systematically until it reached its lowest ebb in June. Presumably this was so because the labourers.

³⁵CMAR, 1905, p.258. See also SNA 56/1282/05, Report by the Native Affairs Department; see also CMAR for 190 Minutes of the Annual Meeting of the Chamber of Mines, p.258.

³⁶The refund of 20 shillings was received from "voluntary" migrants by the WNL. This refund was received from those who did not sign for months.

CHART 1 Showing Comparative Variation of Recruitment
of labour from Lesotho in 1905, 1906 and 1907.



Source: CMAR, 1906, WNLA Annual Reports, 1905, 1906, 1907.

wanted to spend the winter months at home rather than in the mine compounds. Thereafter, migration picked up and reached a peak by September before it declined once more. Since this was the agricultural season, it could well be that migration dropped as men engaged in agriculture and other forms of activities at home. The dramatic increase in migration in November and December was presumably the effect of many people departing for the mines after completing work on the land to remain there until the period of harvesting during the early part of the new year and then return home.

If the seasonal variations in the pattern of migration tended to undermine the effectiveness of the WNLA, the activities of the independent labour recruiters further accentuated the association's difficulties in getting labour. The independent recruits "held the whip hand" in Lesotho because they operated through an established network of traders and individuals who were directly in close contact with the potential labourers. In this way, the independent labour touts were able to attract a substantial number of men for the employers in South Africa. In 1906, the position of the WNLA in Lesotho was successfully weakened. The reason was put simply by the Association:

In the Cape Colony, Basutoland, the Orange River Colony and Bechuanaland, the Association either restricted or altogether suspended its operation during the last four months of the year. This was found advisable in order not to interfere with the recruiters employed by individual members. A few recruiters are still maintained in Cape and Basutoland for the convenience of mines which do not desire to recruit there for themselves.³⁷

It is quite interesting to note that the WNLA which had been constituted to centralize recruiting should itself appear to be promoting competitive labour recruiting within British South

³⁷CMAR, 1906 WNLA Report for 1906, p.583.

Africa. In reality the articles of the WNLA forbade member companies from competing against each other for labour. But the Association was unable to police the agreement and in the end member companies were released from the agreement to recruit labour privately.³⁸ Evidently, in Lesotho the circumstances favoured the private recruiters over the moribund association.

Yet, competitive and speculative dealing in labour that the independent labour recruiters were engaged in was prone to all types of confusion, misrepresentation and other forms of abuse. To mitigate them and rid the market of any form of anarchy, the mining capitalists sought regulatory measures from the governments, but as Bienart asserts:

³⁸ But in Mozambique where the WNLA claimed a monopoly of recruiting, free competition was discouraged. When in 1906, J. Robinson Group applied for a license to recruit in Mozambique independently of the WNLA and was granted permission, the Chamber of Mines was enraged and immediately sent protest letters to the Secretary of State, Lord Elgin. Locally Frederick Perry, the WNLA boss asked that the Group be expelled from the Association as "the members were not prepared to deal with him (Robinson) any more". For more details see CMAR 1906, Correspondence on the Subject of Recruiting of Native in Portuguese East Africa. J.N. de Jongh, President, Chamber of Mines to Selborne, High Commissioner, dated 11th May, 1906; and F. Perry to Sousa Ribeiro, Mozambique, letter dated 4th October, 1906. Reply dated 13th October 1906.

Any regulation of the recruiting business had to take into account the necessity of maintaining supply, and as there had to be some profit in recruiting if private sector agents were to continue their efforts, interference had to be circumspect.³⁹

If thwarted, the same author observed, the independent labour recruiters were in a position to disrupt the entire flow of labour to the mines and other sectors of the economy.

It is in this perspective that the actions of the colonial administration in Lesotho in relation to the activities of the independent labour recruiters should be viewed. Significantly, in 1907, the colonial administration introduced the Basutoland Native Labour Proclamation No.27 of 1907 to regulate the activities of the recruiters.⁴⁰ This law was a landmark in the history of labour migration from Lesotho because it provided the first legal instrument of administrative control, not only of the labourers themselves, but also of the activities of those who recruited them. These aspects of the law will be considered here in some detail.

³⁹William Bienart, "Joyini Inkomo: Cattle Advances and the Origins of Migrancy in Pondoland", Journal of Southern African Studies, Vol.5, No.2, April 1979, passim

⁴⁰S3/5/18/1, Basutoland, Native Labour Proclamation No.27 of 1907; issued on 29th August 1907:

First, we shall look the provisions which aimed at regulating the activities of the recruiters. The law starts by defining a labour agent as any person who was engaged in recruiting labour for employment within or beyond the borders of Lesotho. Such persons were also allowed to operate with the help of "runners or messengers... (who were) to procure, seek for, or engage, conduct, take charge of, or supply or undertake to supply" Basotho labour for employment within or without Lesotho.⁴¹

The labour agents and their runners or messengers were required to hold a government license issued either by the Resident Commissioner or any other authorized officer. Every application for a labour agent's licence was required to be in writing and signed by a would-be employer of Basotho labour. Specific information concerning the nature of employment, the rate of wages at which the labourers were to be engaged and the like, had to be stated. On obtaining a labour agent's licence, the recruiter was obligated to pay £15 sterling for each licence obtained plus an additional £1 sterling in respect of every runner employed by the agent. On top of that, the law required the agent to deposit a security fund amounting to £100 sterling with the administration. The purpose to which the deposit was made was explained by the

⁴¹ Ibid.

law in these terms:

If any native who has been induced to enter into an agreement with a Labour agent for service...shall sue such agent or his employer in any competent court within the territory and shall recover any sum whether in satisfaction of debt or by way of damage or costs...(and) if any Labour agent shall fail to pay or satisfy any fine imposed upon him the said deposit...shall be applied in satisfaction of the judgement of such court...⁴²

The security deposit, therefore, was not only a safeguard against any misdemeanours by the labour agents and their henchmen, but also a guarantee that Basotho labourers would be compensated by the employers for breach of the terms of the contract.

Misrepresentation of labour conditions, which had been a common feature of competitive recruiting, was strictly prohibited. The law specifically stated that any labour agent who engaged labour through misrepresentation, or strove to induce labourers to break contracts and desert work, or an agent who harboured or concealed deserters, would be penalized. The penalty for such an agent ranged from the loss of his licence to recruit labour to a fine of £15 Sterling. Or "in default of payment to imprisonment with or without hard labour for a period not exceeding six months."⁴³

⁴²Ibid.

⁴³Ibid.

Another important aspect of the proclamation worth noting relates to the limitation of the amount of advances that had to be given to the recruited workers. Previously any potential labourer who wanted to find employment would go to a labour agent (usually a trader), obtain either cash or goods and in return sign a contract to proceed to his employment centre in order to obtain cash to repay the labour agent (trader). Under this arrangement there was no limitation on the amount of advances. Therefore, if a recruit received £15 in advances it meant that he could not leave his employment until all the money was repaid. In view of the fact that such an advance was far in excess of the average monthly earnings of the labourers, this uncontrolled system of advances resulted in indebtedness of the labourers and helped the employers to coerce them to work for longer periods of time. However, the proclamation put a stop to this trend by limiting the amount of advances to £2 "exclusive of any charges for railway transport or any amount due for any native tax or fine advanced by the labour agent."⁴⁴

Significantly, the proclamation explicitly barred the chiefs from conspiring with unscrupulous labour agents to enrich themselves by engaging in labour recruiting. Previously,

⁴⁴ Ibid.

a chief or a village headman functioned as a labour recruiter and extracted material benefits directly from the employers and also from the recruited workers at the end of their contracts abroad. The proclamation barred the intervention of the chiefs in the process of labour recruitment. In this regard:

No concession or contract by which any native chief or headman purports to bind himself or his people to provide native labourers shall be valid.⁴⁵

However, if a chief or a headman wanted to function as a labour agent, he was obligated to apply for a licence from the authorities concerned. In that case the chief's recruiting activities would be accountable and subjected to the regulation by the administration. It can be observed that by eliminating the chiefs and headmen from functioning as labour recruiters, the colonial administration took direct physical control over the process of labour migration.

Under this proclamation three offences by the Basotho labourers were heavily punished. One was failure to commence service and absence without leave, which were punishable by maximum fines of £10, or, in default of payment, by imprisonment with or without hard labour for six months. Another offence, carrying the same terms of punishment, was that of

⁴⁵ Ibid.

any labourer who, after having received an advance from a labour agent, "accepts another advance from another labour agent", with the intention to defraud.⁴⁶ The third offence, which subjected Basotho labourers to criminal penalties was desertion. The laws explicitly stated in this regard that:

Any native who having entered into a contract for employment beyond the borders of the Territory and signed such contract ...without lawful cause deserts or absents himself from his place...⁴⁷

would be guilty of an offence and liable on conviction to a fine not exceeding £10, or in default of payment, imprisonment with or without hard labour for a period of six months.

Two interesting points emerge from examining the provisions of this proclamation. First and foremost, the proclamation strove to control the activities of the middlemen in recruiting by imposing heavy penalties on them for engaging Basotho labour in a manner contrary to the law of the country. It did this by licensing all the labour agents, a process which not only limited the number of people who could recruit Basotho labour but also made the licensed agents accountable for any misdemeanours arising from their recruiting activities.

⁴⁶ Ibid.

⁴⁷ Ibid.

Secondly, the proclamation strove to control the activities of the Basotho labourers themselves. Strict provisions were made against any acts of fraud, negligence of work, desertions as well as mere acts of disobedience of employers. Anyone who committed these so-called crimes was liable on conviction to fine or imprisonment or both.

In so far as the fine print of the law was concerned, the business of recruiting was intended to be free of all forms of malpractices. However, in such difficult situations, it was unlikely that the law was enforced efficiently. So it could be argued that not only did the labour recruiters and their "black runners" continue to use all forms of illegal practices to obtain labour, but the labourers too, engaged in fraudulent practices, desertions, actions which were prohibited by the law.

In summary, in the period after 1902 the mine-owners' attempts to mobilize labour from Lesotho was part of the imperial policy, which was based on the rapid exploitation of the gold mines. In the shorter run, the mine-owners were unsuccessful in their bid because the poor working and living conditions at the mines led the Basotho in particular and Africans in general, to shun the mines. This enhanced the position of other employers of labour who successfully attracted Basotho labour away from seeking labour in the mines. However, in the longer run, because of the dominant position of the mining industry, the labour market was reshaped in a manner which promoted the flow of Basotho labour to the mines. In doing this, the administration which was previously reluctant to intervene overtly in the migratory labour process, now threw itself behind mining interests, at least in the realm of labour organization and control. The Basutoland Native Labour Proclamation No. 27 of 1907 was hostile to

the private recruiting companies and favourable to those mining groups which wanted to restore a WNLA-like organization in South Africa itself. Thus, the proclamation became a symbol of collusion between the colonial administration and the mining interests in their bid to maximize the flow of labour to the mines.

CHAPTER III

RACE, POLITICS AND LABOUR POLICY: THE COMING OF UNION AND THE USE OF STATE POWER, 1907-1912

The restrictions placed upon the employment of Chinese labour, a temporary expedient for a temporary crisis, have been institutionalized in the intervening years....Haste in 1903, therefore, cost the employers dear in the long run — but it imposed more serious disabilities upon the prospects of African migrant labour force....The migrant labourers, whose withdrawal may be said to have initiated this train of events were ultimately ensnared in one of the golden laws of South African affairs, which states that every white bargain must be sealed by an African sacrifice.¹

For many Basotho labourers, and other African groups who formed the bulk of the unskilled work force of the Rand in 1907, the labour market had been transformed into a "new race frontier of the twentieth century."² Whereas the old frontier of the nineteenth century was characterized by widespread conflicts, destruction and subjugation of African political entities, land grabbing and the like, the new frontier was different both in nature and character. In

¹D. Denoon, A Grand Illusion, (Longman: 1973), p.158.

²C.W. de Kiewiet, A History of South Africa, (Oxford University Press: 1941), p.165.

order to understand the main characteristics of the new frontier, let us take a bird's-eye-view at the actors within this frontier.

First, there were the skilled artisans whose membership comprized 13,360 men imported from Britain, 1,980 from Australia, United States of America and other areas and 3,260 indigenous white South Africans.³ The tasks performed by this group varied from technical operation of the mines to supervisory jobs. By virtue of their skills, this group occupied the upper echelon of the mining industry's work force.

The second group were more numerous and consisted of African migrants and Chinese indentured workers. The Chinese, unlike the Africans were forbidden by the Transvaal Labour Importation Ordinance of 1904 from occupying fifty-five categories of work in the mines.⁴ In this circumstance, a wider field of employment was theoretically open to Africans and evidently, many of them were increasingly

³ Annual Report of the Government Mining Engineer, dated 30th June, 1907, pp.10-13.

⁴ (cd.1895), 1903, Further Correspondence relating to the Affairs of the Transvaal and Orange River Colony, p.43. For more discussion of this ordinance see The Star, 1st April 1903. See also Transvaal government, Transvaal Labour Importation Ordinance No.17, of 1904, especially schedule 1 to the ordinance.

employed in semi-skilled and skilled grades of labour. This occupational mobility of Africans was encouraged by the Rand capitalists since this meant a reduction in their production costs and a maximization of profits.

This policy evoked widespread opposition from the white workers. They interpreted the mine owners' actions as attempts to deprive them of their jobs if not, to dilute their skills and wage structure. The white skilled workers resisted this "encroachment" of Africans into their ranks and strove to defend their position at all costs. This struggle manifested itself into an ideology of "racial exclusiveness" of each section of the work force.

However, this was not the over-riding issue which shaped the character of the mining industry and the political frame of mind of the Transvaal as a whole. The important issue was the question of integrating the "poor whites" (or we could call them Afrikaner proletarians) into the industry's stratified labour market.⁵ According to Robert Davies

⁵ Robert Davies, Capital State and White Labour in South Africa, 1900-1960, (Humanities Press, 1979) pp.58-62. See also D. Welsh, "Political Economy of Afrikaner Nationalism", in Leftwich, (ed.), South Africa: Economic Growth and Political Change, (London: Allison and Busby, 1974) Ralph Horwitz, The Political Economy of South Africa (London, 1967).

the unskilled white proletarians confronted capital not as potential migrant workers but as an urbanized proletariat totally separated from any means of subsistence, whose reproduction costs would thus in the long run...necessarily have to be related to the subsistence requirements of an entire family unit.⁶

Table 10 indicates the estimates of the subsistence requirements of unskilled white labour compared with that of African workers.

TABLE 10

Wage rates paid to single unskilled whites	Estimated wage rates plus family allowance.	Estimates of the minimum levels to which the costs of family allowance could be driven under existing conditions.	Average African wages per shift.
5s. a day "all found" ie: 9s. 5d. to 10s.2d total per shift (varying in different mines)	10s. per shift	6s.2d - 8s.4d per working day	2s.-2s.8d. varying in different mines.

Source: Reproduced with modifications from the Transvaal Indigency Commission, 1906-8, Minutes of Evidence, p.98, See also Robert Davies, Ibid., p.59.

⁶ Ibid., p. 61.

Compared with the cost of employing African labour, the figures clearly show it would be costly for the mines to extend the employment of unskilled white labour. This point is emphasized by Robert Davies:

Under these circumstances, therefore the effects of employing unskilled white proletarians in place of African labour power would have been to increase the costs of production, and in an industry where capitalist production took place within rigid technical and price constraints this meant, other things being equal, a reduction in the rate and mass of surplus value produced.⁷

The mine owners had also political objections to the extensive use of unskilled white labour. The mine owners were afraid that since white labour had the political right to vote and to organize to bargain collectively, they would use this power to influence political decisions concerning the mining industry. Typically, Tarbutt, Director of Consolidated Gold Fields told F.H.P. Cresswell, Manager, Village Main Reef mine that:

... if a large number of white men are employed on the Rank in the position of labourers, the same troubles will arise as are now prevalent in the Australian colonies, i.e., that the combination of the labouring classes will become so strong as to be able to more or less dictate, not only on questions of wages, but also on political questions by the power of their vote...⁸

This view was shared by many other members of the Transvaal Chamber of Mines. For instance, Charles Rudd, Director of the Gold Fields Company unequivocally stated that the expansive

⁷Ibid., p. 59.

⁸[cd. 1895], 1903, Minority Report, Transvaal Labour Commission of 1903, p. 65.

use of unskilled whites was treading an unsafe path; through collective bargaining white workers would force higher wage bills on the industry.⁹

If the use of unskilled white labour was unpopular with many Rand capitalists, there were others who thought otherwise. Among the advocates of the use of white labour were F.H.P. Cresswell, later leader of the Labour Party and a cabinet minister in the Pact government, Wilfred Wybergh, Commissioner of Mines, and the "incipient industrial bourgeoisie and a significant minority of the commercial bourgeoisie all of whom favoured an extension of an unskilled white employment in the mines."¹⁰ Davies adds that these interests "saw an increase in white employment as enlarging the size of the local market to which they were as national capitalist fractions, largely confined."¹¹

Yet attempts to integrate the unskilled whites into the mining industry were fraught with a number of difficulties. First, as David Welsh pointed out, most of the poor whites were men without the skill to qualify them for skilled or

⁹Quoted in The Times, of 10th February 1903..Also cited in R. Davies, Ibid., p.60.

¹⁰Robert Davies, Ibid., p.58.

¹¹Ibid.

semi-skilled work in the mines.¹² This meant that they could not enter the upper echelon of industrial employment except into the category of unskilled labour which was considered as the preserve of Africans. Therefore, the traditional aversion to manual labour seriously handicapped the unskilled whites in their bid to enter the mines' stratified labour divisions. This point was brought out clearly by the Transvaal Indigency Commission, appointed in 1906 to study the circumstances of the poor white.

We have been impressed with the frequency with which it has been stated in evidence that unskilled labour was "kaffirs work," and as such not the kind of work which a white man should perform. This opinion is due not to anything which is inherently unpleasant or degrading in the work, but to the fact that such labour is ordinarily performed in South Africa by the native. This attitude...has affected his efficiency as a labourer. He has never regarded unskilled labour as an ordinary field of employment.¹³

The commission also asserted that any attempt to regulate the mining industry artificially in order to accommodate unskilled

¹² D. Welsh, "Political Economy of Afrikaner Nationalism," in Leftwich, (ed.), South Africa: Economic Growth and Political Change (London: Allison and Busby, 1974), p.250.

¹³ Transvaal Government, The Transvaal Indigency Commission. 1906-8, (T.G. 13, 1908) passim. The membership of this select committee of parliament is interesting to note because apart from J.H. Hofmeyr who was an Afrikaner, the rest; Richard Feetham, Lionel Curtis and Philip Kerr were English. This composition may explain why the commission's report was apparently anti-Afrikaner proletarians.

white labour would be economically futile, and might "simply bolster up the aristocratic tradition... (without the whites) doing anything to qualify... for the ultimate but inevitable struggle to economic superiority with African workers."¹⁴

This view was not shared by all important figures within the mining industry. For example, F.H.P. Creßwell, Wybergh and their henchmen contended that the mining industry was regulated in favour of the employment of African workers and were of the conviction that this would be the case unless the government intervened to break the impasse. The magnitude of the demands by the "pro-white labour" agitators on the one hand, and the resistance of mining interest to any changes in their labour structure created an explosive situation in the gold mines. Indeed, the prevalence of such conflicting cleavages of interests was an indication the mining industry was still to formulate a comprehensive labour policy.

The onus rested with the Transvaal government. The new Het Volk government could not maintain a benevolent image during this turbulent period in the labour market. On the 4th May 1907 the Mining Industry Commission was appointed

¹⁴ T.G. 13, 1908, p.88.

to look into the situation.¹⁵ The members of the commission were Andries Stockenström, Member of Het Volk in the Legislature, Peter Whiteside, President of the Witwatersrand Trades and Labour Council, F.H.P. Cresswell, Max Franke and Charles Spencer, Consulting Mining Engineer. The commission was asked to investigate "in what direction, and in how far, the use of mechanical appliances can be extended on the mines, and the effect of such extended use upon (a) the employment of white labour; (b) the cost of production; (c) the demands of the mining for native labour; and (d) the mining industry in general." The commission's other term of reference was to find out the best means of (a) increasing the employment of white labour on the mines; (b) securing the more efficient use of native labour; and finally, the means calculated to secure greater economy and efficiency in mining operations.¹⁶

The commission turned in two reports on 7th March 1908. The Majority Report was signed by Andries Stockenström (chairman), P. Whiteside, and F.H.P. Cresswell, and the Minority Report was produced by C. Spencer. For reasons of ill-health,

¹⁵ The Transvaal Mining Industry Commission, 1907-08
(T.G.2, 1907-08).

¹⁶ The terms of reference were drawn by J.C. Smuts and signed by the Earl of Selborne, High Commissioners for South Africa and Governor of the Transvaal.

Max Francke resigned during the early stages of the commission's work, but he later appended a memorandum to the final report of the commission.

The Majority Report significantly evaded all the other terms of reference of the commission and concentrated mainly on the issue of how far employment of white labour could be promoted on the Rand. This was not altogether surprising as the very composition of the commission itself reflected such an ambition. With Cresswell, a long-term proponent of a white labour policy included in the commission, it was to be expected that he would dominate and greatly influence the findings and recommendations of the commission. Indeed, the Majority Report might appositely be referred as the "Cresswell report."

Be that as it may, the Majority Report noted that the employment of unskilled white labour on the Rand had been negligible because of the action of the state, which promoted the use of African labour instead. It cited for example, the system of controlling African migrant workers through the use of the Pass Law which, by compelling Africans to perform specific labour contracts and by making their breach of the contracts a criminal offence, made the employment of Africans attractive to the mining capitalists.¹⁷ The commission

¹⁷ T.G.2, 1907-08, para. 898.

urged that such measures should be abolished and that the supply of African labour be left to the "ordinary operation of the laws of supply and demand".¹⁸ The Majority assumed that by lifting such control measures, the employers would lose the power of coercion they possessed over the use of African labour. The Majority Report cited statements by Taberer, one of the mining officials, to support their assertion that without state action which made African labour tractable and therefore attractive to the mine employers, the employment of white labour in the mines might not have been as low as it was then. Taberer's point was that removal of the pass law and the like, "would be unsatisfactory from the Government point of view, and would bring about a decrease of labour." Taberer pointed out that under free labour conditions, very few Africans would be available for work. This, in the Majority's view, would predispose the mining industry towards more reliance on white labour. Of course another effect of the de-regulation of the employment of African labour might have been to force employers to raise African wages to attract them into a "free market" and this could also have tended to subordinate "race consciousness" to an open "working class consciousness."

¹⁸ Ibid., para. 915.

As a first step towards preserving the labour market for white labour, the Majority Report urged that importation of labour from Mozambique should be regulated, if not stopped altogether:

Whatever may be said as to the duty laid upon the community to permit freedom of employment to the natives within the country, for whom we may be said to be responsible, it cannot be alleged that we owe any such duty to, or have any responsibility for the natives outside British South Africa.¹⁹

The Majority Report reiterated that whereas competition between whites and British South Africans might be tolerated, such competition should not be allowed in the case of Africans imported from outside British South Africa. It must be noted that the competition referred to in the report only pertained to availability of work to unskilled white labour as well as African workers. In short, an open labour market.

But on the critical question of competition between whites and Africans in performing skilled and semi-skilled jobs in the industry, the Majority recommended that these job categories should be reserved for whites only. To this end, the Majority Report recommended that certificates for rock drilling and blasting should be awarded to whites. It considered this as "a temporary set-off in favour of the white

¹⁹ Ibid., para. 913.

man against the artificial aid for many years given by the state to native labour without which it would not have been either in numbers or efficiency, the competitor with white labour which it is today; and without which the present situation, which in the opinion of the Commission imperatively calls for the regulation proposed, would not have arisen."²⁰

The views propounded by the Majority Report pleased the white labour movement in general though they too, were divided on just how their interests could be achieved. The labour unions which acclaimed the Majority Report were the Witwatersrand Trades and Labour Council, and the Executive Committee of the South African Engine Drivers and Firemen's Association. The latter particularly urged that every effort should be made to further the interests of white workers.²¹

Those labour unions that wanted a pro-white labour policy were supported in their struggle by a wide range of other organizations. The White Labour Association, formed in May, 1908, was specifically created to fight for the

²⁰ Ibid., para.193.

²¹ Detailed discussion on the white labour struggles is made by E.N. Katz, A Trade Union Aristocracy: A History of White Workers in the Transvaal and the General Strike of 1913, (Johannesburg, African Studies Institute, University of Witwatersrand, 1976), p.151. See also the Transvaal Leader, a pro-white labour newspaper in the Transvaal, 30th May, 1903.

implementation of the Majority Report . The main figures within this association were W. Wybergh, F.H. Cresswell, himself, a signatory to the report, O.H. Evans, President, and J.J. Ware, member of the Witwatersrand Trades and Labour Council and William Andrews, member of the Amalgamated Society of Engineers.²² These men wanted statutory job reservation as a means of protecting the white miners against the "encroachment" by African workers. The views expressed by these men and the report of the commission are important for the light they threw on the political development of the "white labour policy than for any importance that it might be thought to possess as an impartial review of conditions in the mining industry."²³

The Minority Report²⁴ produced by Charles Spencer, disagreed with all that the Majority stood for. Spencer's attack on the Majority Report centred on the conduct of the Majority in collecting evidence, which he asserted, was through careful selection of "certain parts of evidence of practical men, mine managers, and engineers, who had themselves come on their own experience to exactly the opposite conclusion." Because of this, he added, the "reasoning and

²² Ibid.

²³ S. van der Horst, Native Labour, p.179.

²⁴ T.G. S., 1907-08, Minority Report, p.136.

conclusions of the Majority were visionary and unpractical and not justified.²⁵

Spencer's attention was drawn first to the Majority's contention that the cost of working with white labour would be no greater than those of working with African labour. To this he responded:

Indeed, generally speaking, if the contention of the Majority Report, that it is actually cheaper to work with white labour, is correct, there is no need for legislative action on the part of the Government, seeing that in that case the natural tendency towards cheapening working costs would lead to white labour supplanting coloured.

If the government were to submit to the Majority Report, Spencer argued, the effect would be a "revolution in the whole labour system, the effect of which would be disastrous to the mining industry and to the country as a whole".²⁶

The next issue considered by Spencer related to the Majority's recommendation that the employment of whites could be expanded only if the government fixed a "maximum limit to the number of natives from outside British South Africa who may enter the Transvaal" to work on the Rand. To this Spencer agreed.

²⁵ Ibid.

²⁶ Ibid.

...that such measures would probably result in the increase employment of white men on such mines as (could continue) to work: Even more effective results in this direction could be obtained if the employment not only of Portuguese natives, but of all natives...not domiciled in the Transvaal, was prohibited²⁷

But he argued that if this were the critical issue at stake, it would have hardly been necessary for the government to appoint a commission to assure itself of the necessity and practicability of taking steps to protect the market for white labour.

Spencer supported a laissez faire approach to the problem. In this connection, he opposed the creation of any artificial barriers to promote white employment. He expressed the conviction that:

...the increase of the white community must be left to the operation of natural forces. Ultimately, white men will do the work which they prove themselves superior to the native, and it is very doubtful any practical or permanent benefit can result from attempts artificially to limit the competition between two classes both resident in the country.²⁸

In order for whites to "prove themselves superior," Spencer suggested that three measures should be adopted by

²⁷ Ibid.

²⁸ Ibid.

the government. First, he suggested the establishment of a training school for local whites where they would obtain the necessary skills to equip them for work in the mines. Spencer saw this as a necessary step so that whites could "hold their own" against competition with African labour. He also believed that since the local whites would be cheaper to employ than the imported skilled miners, the mines would be inclined towards employing them instead of importing miners from abroad.

The second suggestion was that the Transvaal government should make it easy for whites to acquire freehold titles to building sites on or in the neighbourhood of mining properties in order that the miners could build and live in their own homes.

If this were acceptable, the government should cheapen, as much as possible the cost of living on the Rand. According to Davies, the cheapest accommodation for an unskilled white miner was 30 shillings a month compared to 12 shillings to 14 shillings in Britain at the time. Davies also notes that goods which cost 13s.6d. in Britain cost 28s.2d in Johannesburg.²⁹

²⁹ Robert Davies, Capital, State and White Labour, p.58.

Spencer concluded that if these measures were adopted to enhance the position of workers against competition by African workers, the latter should not suffer any disabilities but should be given "as many opportunities as possible to improve their position". He reiterated that Africans could not be expected to "become better workers if they were altogether debarred from reaping the benefits of their labour". In this regard, Spencer asserted that all restrictions placed on the earning abilities of African workers should be removed as this was the only way to make them productive and efficient.³⁰

Some white miners shared the views held by Spencer. For example, Elaine Katz has noted that Thomas Mathews, organising secretary of the Transvaal Miners Association openly advocated that mine management should

"allow them [Africans] to be free as we [white miners] are free. Let those natives earn all they can if they are worth it, and don't stint their work merely because they are boys. (sic)"³¹

But the idea of allowing Africans to compete freely in a free labour market seems to have been accepted by Mathews and his cohorts only as a means of removing the incentives for the mine owners to continue to employ cheap African labour in semi-skilled and skilled positions. In essence, most white miners clung to the colour bar and wanted not only Africans barred from "encroachment" into skilled categories of work, but also demanded that a fixed ratio of African to white workers be set to ensure that their own position was safeguarded.

³⁰ T.G.2, 1907-08, Minority Report, p. 138.

³¹ Cited in E. Katz, A Trade Union Aristocracy, p. 73.

In essence, the whole debate on the choice of whether to use Africans or whites in gold mines was perverse. In the view of Kier Hardie, a socialist and former leader of the British Independent Labour Party³² who was on a visit in Johannesburg at the time, pointed out that the issue of job reservation for white men, which was being widely discussed

³²Kier Hardie (1856-1915). British socialist; born near Holytown, Lanarkshire. He worked as a staff member of the Ardrossan Herald and Cummock News between 1882-1887. He took the chairmanship of the Independent Labour Party in 1893 and held it until 1900. He was also editor of the Labour Leader, a pro workers newspaper in England. He gained international attention through his strenuous opposition to the Anglo-Boer War which he referred to as a capitalist war. His visit to India and South Africa in 1907 was for the purposes of preaching the cause of socialism. Hardie's works are: From Serfdom to Socialism (London: George Allen, 1907); India, Impressions and Suggestions, (London, 1917).

on the Rand was absurd. He snapped at the racist attitude of the white workers and pointed out that their prejudice was a major obstacle to the creation of a labour movement which would embrace people of all races and creeds. He argued that strong multiracial labour unions were the only effective way of confronting the Rand capitalists.

Kier Hardie's ideas reflected the idealism of the British labour movement which maintained solidarity among all British workers regardless of their creed, ethnicity or racial backgrounds. Hardie's view was the epitome of a social democratic ideology.

But in South Africa, where race consciousness permeated all departments of life, the views of Hardie were simply unacceptable, not only to the mining capitalists but also to the white labour movement. The mining capitalists did not want the incorporation of African workers into white labour unions since this would lead to Africans demanding higher wages through collective bargaining and strike action. For fear of losing the profits, which accrued to the Rand mine owners through "ultra exploitation" of African labour, Frederick Johnston argued, the mining capitalist fought to maintain a division in their labour force.³³ As far as the

³³F. Johnstone, Class, Race and Gold: A Study of Class Relations and Racial Discrimination in South Africa, (London: 1976), p.83.

white labour force were concerned, their opposition to Hardie's views reflected the racial prejudices that had for a long time characterized South African life. As De Kiewiet accurately points out the social policy which viewed

Black (as) black, white (as) white and
(which saw it as) intolerable that the
two should meet in equality over a
machine, a drill or a railway carriage,³⁴

created a race consciousness among white workers, which made them resent the idea of union with African workers. Hardie's reference to this policy as an aberration and therefore, as something to be changed, led to his being accused of "negrophilism" and as anti-white. Hardie found his visit marred by widespread hooliganism and threats were made against his life.³⁵ He painfully discovered that his socialist ideal of organising labour against capital world-wide could not take root in South Africa where the white workers' consciousness was subordinated to struggles for privileges within the mining industry.

Ultimately, what all this amounted to was that the government would have to be the final arbiter on the critical

³⁴ C.W. de Kiewiet, History of South Africa, pp.165-66.

³⁵ D. Tictin, "The Origin of the Labour Party, 1888-1910" (Ph.D. thesis, University of Cape Town, 1973) p.295. See also Rand Daily Mail, 17th February, 1908; See also issue of 21st February, 1908.

and important issue of whether to force a "white labour policy" on the mining industry or maintain the status quo. The mere fact that the Botha-Smuts Het Volk government set up the Commission might lead one to argue that it was sympathetic to Creswell and his cohorts. Indeed since the mines were taken as a possible vehicle for promoting the employment of Afrikaners, especially and as ~~well~~ as helping to solve the serious poor white problem.³⁶

But when the report came out the Botha-Smuts government shelved it. Several suggestions have been made to explain why the government gave no creditable consideration to the "Creswell Report". Robert Davies asserts; without concrete evidence, that the report was rejected because the assumed alliance between the agricultural capital and mining capital, which helped the latter group especially "to reassert its hegemony".

Thus Davies concludes:

Previous statements about the best solution, to the labour difficulty being 'a white Rand' became increasingly replaced by statements about the 'impracticability' of altering 'the whole economic fabric' or about the 'danger of bringing the structure down upon our heads by tampering with the foundations'.³⁷

³⁶The Transvaal Indigency Commission of 1906-8 discussed the issue of the poor whites at great length but came up with startling evidence indicating that the Afrikaners refused to do unskilled labour because it was "kaffir's work". If the unskilled whites were unprepared to do manual labour and at the same time lacked the skills to qualify them for skilled work, the commissioners argued, they had no other alternative but to sink into poverty. For details see Transvaal Indigency Commission 1906-8, T.G. 13, 1908.

³⁷R. Davies, Ibid., p. 64. This statement was made by Jan Smuts in the Transvaal Legislative Assembly. See also Transvaal Leader, 31 July 1908.

But one point which should not be overlooked concerns the role of the British imperial government. Though there is no evidence that the imperial government had anything to do with Botha-Smuts' rejection of the report, it is credible to argue that Het Volk did not want to risk Imperial disapproval until after South African Union had been attained and the effective withdrawal of the Imperial government from South African domestic affairs secured. That being the case the Botha-Smuts knew they could afford to play down the interests of white labour until a political union when Britain would no longer have imperial control. This stalling tactic was certainly manifested in utterances by Jan Smuts both in the Transvaal Legislature and elsewhere. Typically, Smuts pointed out in the course of the

debates in the legislature that the demands of white labour should not be forgotten since it was "a great and tremendously important issue that should wait until a political union was achieved" which would "get all of South Africa into line."³⁸ If it can be argued that this was a machiavellian delay, which served to defuse an explosive situation on the Rand, it could also be argued that the delay put in abeyance and in a melting pot, the future of race relations on the Rand.

When South Africa achieved its political union in 1910³⁹, and saw the disengagement of direct imperial control, the attention of the legislators elected to parliament was drawn to the same issues, which had been inconclusively discussed in the pre-union years. The first issue concerned the demands by white labour forces for state protection of the market for their labour. The second one was the critical question of the continuation of the supply of African labour and its regulation by the state.

³⁸ Transvaal, Legislative Assembly Debates, 28th June 1908, column 255. See also Columns 259, 260 and debates for 30th July 1908.

³⁹ Various accounts of the closer union movement in South Africa are contained inter alia, in these works: L.M. Thompson, The Unification of South Africa, (Oxford: Clarendon Press, 1960).

T.R.H. Davenport, South Africa, A Modern History (University of Toronto Press, 1977), Walker, E.A., A History of Southern Africa, (London, 1957).

The first significant product of these concerns was the enactment of the Mines and Works Act No.12 of 1911.⁴⁰

The Act, sponsored through parliament by Jan Smuts, Minister of Mines, was in effect concerned with increased government control over the mining industry. But the regulations which were promulgated under it conferred on the industry the principle of discrimination by "differentiating strongly against the employment of (African labourers) in all occupations except the lower grades of mining work."⁴¹ This meant that much of the better paid works were reserved for white men only.

The Mines and Works Act was, in the short run (if not in the long run), a victory for the white labour forces in that it gave them the protection against competition by African labour; something they might have sought for through strike action. But looking at it from a different perspective, de Kiewiet asserts that the law:

...curbed the use of which the mines could make use of cheap labour.

So in reality it,

...placed upon the mines the burden of a social policy which aimed at the economic superiority of the white race.⁴²

⁴⁰South Africa, House of Assembly Debates, (Cape Town, 1911) column 1122ff.

⁴¹S. van der Hofst, "Some effects of Industrial Legislation on the Market for Native Labour in South Africa" in The South African Journal of Economics, vol.3rd (1935)p.486.

⁴²C.W. De Kiewiet, History of South Africa, p.166. See also Ellen Hellman.(ed.), Handbook on Race Relations in South Africa, (Oxford University Press, 1949),p.147.

The Native Labour Regulation Act No.15 of 1911, as the name implies, was concerned with the supply of African labour to the mines and works within the white economy. In sponsoring the bill, Henry Burton, Minister of Native Affairs from 1910 to June 1912, asserted that

...the principle of the measure was the control and regulation by the Government of the supply of native labourers to various centres of work in South Africa.⁴³

This Act was not a new creation; it merely consolidated the previous laws on recruiting and employment of African labourers which were already in force in the Transvaal, Orange Free State, the Cape of Good Hope and Lesotho, among others. Under the new law the Director of Native Labour was given executive power to issue licences to employers and agents to recruit African labourers and given power to cancel contracts.⁴⁴ The intention of this provision was to reduce the outrageous features of the recruiting process and to ensure a regular supply of African labour to the mines. It also manifests the extent to which the Rand capitalists were determined to use unskilled African labour as the foundation of the mining industry.

⁴³ South Africa, House of Assembly Debates, (Cape Town, 1911).

⁴⁴ Native Labour Regulation Act No.15 of 1911. *passim* Adequate discussion of the provisions of Act No.15 of 1911 is contained in G.V. Döxey, The Industrial Colour Bar in South Africa, (London, 1961) pp.129-31, F. Wilson, Labour in the South African Gold Mines: 1911-1969 (London 1972), pp.10-11. S. van der Horst, Ibid.

That, being so, the Act introduced measures to ensure minimum standards of accommodation, food medical care in mine compounds. It established provisions under which Africans afflicted by silicosis (miners' pthisis) or tuberculosis could be compensated. Inspectors were appointed to settle minor disputes and investigate complaints by African workers against the employers. Clearly, this measure was intended to guard against problems which had hitherto been responsible for Africans shunning the mines as well as deserting work once contracted.⁴⁵

But if these measures were intended to ensure steady flow of Africans to the mines, there were also those which were intended to make them tractable. The most obvious provision in this regard was that which deprived them of the legal right to strike. Thus, by eliminating the possibility of effective African trade unionism, the law permitted the mining interests to continue to use non-market forces to put a ceiling on the prospects for African workers to earn higher wages and to improve their economic status.⁴⁶ Since this provision was not applicable to white workers, it could be

⁴⁵ Ibid.

⁴⁶ This was done through the system of "maximum average" which had been introduced to "prevent competition between mine managements bidding up the average rate of wages on the gold mines". See van der Horst, Native Labour, p. 167.

argued that the law, by closing the doors against Africans indirectly enhanced the bargaining position of the white workers. A white bargain was clearly sealed by a black sacrifice.

Another repressive aspect of Act No.15 of 1911 was that relating to breach of contract, under which African workers were subjected to criminal penalties. In this connection section 14(1) paragraph (a) stipulated that any African worker who:

...without lawful cause deserts or absents himself from his place of employment or fails to enter upon or carry terms of his contract of employment;⁴⁷

would be liable on conviction to a fine of £10 or in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.⁴⁸

But the Act went even further, and legalized the use of judicial punishments as a means of enforcing discipline and obedience of Africans to the employers in the work place. Section 14(b) which stipulated that any African worker who "wilfully and unlawfully does or omits to do anything which causes or is likely to cause injury to persons or property,

⁴⁷ Act No.15 of 1911, Sec. 14.(1)(a)

⁴⁸ Ibid., para. (b)

or, by refusing to obey any lawful command of his employer or any person lawfully placed in authority over him or uses insulting or abusive language to those in authority," would be liable on conviction, to a fine not exceeding £10 or two month's imprisonment with or without hard labour.⁴⁹ Several questions can be asked in relation to this provision. First, what constituted negligence on the part of Africans which would "cause injury to persons or property"? Secondly, how could one determine whether a command was lawful or not? What criterion was used to judge whether a language was abusive or not, particularly when African workers spoke a host of different languages unknown to the employers themselves? And so on. Clearly what this provision aimed at was strengthening employer control over African workers. Since the provision left much room for a wide interpretation, the employers were given a means to coerce African labourers under the pretexts that they were either in violation of a contract or simply insubordinate.

This Act had direct implications for Lesotho. Since the Basutoland Native Labour Proclamation No.27 of 1907 was proclaimed to control the recruitment of Basotho labour for employment in South Africa, it was thought necessary to

⁴⁹ Ibid.

incorporate as much of the provisions of Act No.15 of 1911 into the labour proclamation. To that end, Proclamation No.27 of 1907 was now repealed and replaced by the Basutoland Native Labour Proclamation No.48 of 1912.⁵⁰

The new proclamation, which was similar in many respects with Act No.15 of 1911 had two basic aspects. In the first place, it provided for the licensing of all the labour agents (who were agents of the employers licensed to recruit labour by the Director of Native Labour in South Africa) operating within Lesotho. It required each of the agents to enter into written contracts with Basotho men recruited by them. Section 1(a) of the proclamation state that: "no contract shall be attested unless the attesting officer is satisfied that the terms and conditions thereof are fully understood and accepted by the native concerned and that the native so attested is apparently over the age of eighteen years."⁵¹ Penalties for contravention of this provision by the recruiters were either a fine of £25 or in default of payment, imprisonment with or without hard labour for a period of three months.

⁵⁰ C.O. 417/528, Basutoland: Native Labour Proclamation No.48 of 1912. Sections 1, 2 and 7 of the Proclamation were based respectively on sections 6, 12, 13 of the Act No.15 of 1911, while sections 4, 5 and 12 corresponded with that of the Bechuanaland Protectorate Native Labour Proclamation No.10 of 1912.

⁵¹ Proclamation No.48 of 1912, Sect. 1; para.(a)

The second control measure imposed by the proclamation on the recruiters was that which forbade them from using false pretensions, "misrepresentation as to the nature; terms, or conditions of employment" and the like, to induce Basotho labour. Failure to comply with this clause carried with it prison terms of up to six months or payment of a fine to the amount of £50.⁵²

Like the Union's Act No.15 of 1911, the Basutoland Proclamation No.48 of 1912 imposed stiff criminal penalties for breach of a labour contract by Basotho workers. Therefore, any Mosotho who having signed a contract for employment in South Africa, shirked work "without lawful cause" was liable on conviction to a fine not in excess of £10 or, failing to pay it, to imprisonment with or without hard labour for a period of six months.⁵³ The penalty was the same as that prescribed by Act No.15 of 1911. What is interesting to note however, is that the penalties were extended even to those who might "harbour conceal, or assist in harbouring" Basotho deserters from work in South Africa. Obviously, since the most likely people the Basotho labourers would be in contact with on their return home were their

⁵²Ibid, sect.2, para,(c)

⁵³It was an offence under Sect.3, paras, (a), (b) whether the act was committed in Lesotho or in South Africa.

families, it could be argued that by this law, the families were obligated to report their presence to the authorities. Failing to do so constituted an act of "harbouring" or "concealment" of the deserters and members of the families would be liable to a fine of £50 or to six months imprisonment with or without hard labour.⁵⁴ Explicit in this proclamation therefore, was the continuous threat of indictment and imprisonment not only of the labourers, but also their kith and kin. In that respect, the proclamation extended the power of the South African employers to exact regular and continuous service from Basotho workers.

But was it necessary for Lesotho to adjust its law to conform with that of South Africa? In the view of the colonial administrators in Lesotho, the change was necessary because structurally and functionally Lesotho was irreversibly linked to South Africa as the supplier of cheap unskilled labour and it was expedient to have a single system of control of labour recruiting and administration.

Another reason was political. This related to the conviction that the future of Lesotho rested with South Africa. It was this belief which resulted into a provision for incorporation of Lesotho being included in the Act of

⁵⁴ Ibid.

Union of South Africa.⁵⁵ This being the case it was the official policy that proclamation operative in Lesotho ought not to be repugnant and contradictory to South African laws. The intention was to guard against wide discrepancies in the laws of Lesotho and that of South Africa, when and if incorporation became a reality. The systematic embracing of South African law and practice relating to African affairs, therefore, made Lesotho function as though it was a "native reserve" of South Africa.

To recapitulate, the period between 1907-1911 marked the rise in influence of the white labour forces and their desire to use the state to regulate the labour market against the employment of African labour in all occupations except the lower grades of mining works. For obvious reasons, the white labour forces failed to achieve this goal before 1911. But the political Union of South Africa (the guarantees of which were predominantly for whites), was important for white labour because it meant that measures could now be adopted which would cater for their demands. Indeed, this was born out by the rash of legislation in 1911. The Mines and Works Act enshrined into the law books of the state the principle of job discrimination which prevented Africans from occupying certain positions of responsibility in the mining industry.

⁵⁵(cmd 8707), Basutoland, the Bechuanaland Protectorate and Swaziland: History of Discussion with the Union of South Africa. (London: H.M.S.O., 1952) p.115ff.

Thus, while the law secured better paid jobs for white labour, by the same token, it limited the market for African labour. The Native Labour Regulation Act on the other hand, ensured a steady supply of African workers to the mines. But by limiting their freedom to strike for better conditions of service, and by being subjected to various penal provisions, the state limited in yet another way the prospects for African earning higher wages and improving their economic status. Explicit in all this was the ultimate goal of maintaining economic and political superiority of the whites. To this end, the fate of African workers, including that of Basotho workers, was irreversibly and permanently sealed.

CHAPTER IV

LABOUR EXPORT EARNINGS AND THE FOUNDATION OF BRITISH ECONOMIC POLICY 1912-36

In 1899, Sir Godfrey Lagden had this to say about labour migration from Lesotho:

Primarily the Basuto labour industry supplies a dominion want, and secondly it tends to fertilize the native areas with cash which is at once diffused in exchange for English goods.¹

More than a quarter of a century later when migrant labour had become the key element of the country's export, J.H. Sims, Resident Commissioner stated that:

Labour is a large item in this territory and the principal export and likely to remain so long as present conditions hold. This represents ready money in an otherwise agricultural community which has few resources.²

The export of labour as a result of which there was cash inflow into Lesotho became a distinct feature of the

¹ C.A.R. Basutoland, Report by G.Y. Lagden to A. Milner, High Commissioner, dated 30th August 1899.

² D.O. 35/356/10651A/30 J.H. Sims, Resident Commissioner to Dominions office, memorandum dated November 1935.

domestic economy by the 1930's. The repatriation of cash was effected through two distinct, but related processes.

First, there was the process of cash transfer directly to the rural households through the agency of the newly established system of deferred pay and cash remittances. Then there was a mechanism established through which tax revenues, fines, capitation fees and the like, were remitted directly to the coffers of state. The working of the two processes by which cash was transferred from South Africa to Lesotho required a high degree of co-operation between the colonial administration, the South African government and mining interests.

In the pages which follow, an attempt will be made to examine the factors which led to the creation and institutionalization of the system of cash repatriation to Lesotho. In doing this, we shall also provide information on the amount of cash involved and evaluate the impact of the cash inflows at the level of rural household economy as well as for the general economy of Lesotho.

The first official district records of the volume of cash transfer by the migrants to their respective households appeared in 1903. In that year, an institution known as the Native Deposit and Remittance Branch was created by the Transvaal Native Affairs Department to give facilities to the migrants who wanted to have portions of their pay remitted.

home.³ Evidently, some Basotho workers seized the opportunity and remitted some cash to their territory through the agency. The following is a compilation of the amount of cash received and distributed by the various district commissioners during the period 1903-1906.

TABLE II

District	1903-04			1905-06		
	Amount Received (£)	Number of Household Receiving	Per Capita Pay (£)	Amount Received (£)	Number of Household Receiving	Per Capita Pay (£)
Leribe	3388	499	6.8	3137	423	7.4
Berea	793	30	26.4	733	120	6.1
Maseru	1544	200	7.7	1427	220	6.4
Mafeteng	837	119	7.0	731	127	5.2
Mohales Hoek	231	40	5.7	237	45	5.3
Quthing	183	34	5.3	193	60	3.2
Qacha's Nek	4	1	4.	23	4	5.7

Source: CAR, District Reports for 1903-04, 1905-06.

Apart from this, it was reported that migrants also sent home money and other forms of goods through relatives, friends returning home and through postal services.

³CAR, Basutoland, Report by H.C. Sloley, Resident Commissioner to A. Milner dated 30th June 1904.

But a glance at the statistics shows that the amount of remittance received by each recorded household average £9 in 1903-04 and slumped to an average of £5 the following year. Clearly, the low level of remittances was a result, in the main, of the low income of African workers on the Rand. The £30 p.a., which was the official wage level in 1903 was institutionally fixed only to cater for food, entertainment and transportation expenses of the workers and it was not, as Samir Amin asserts, "intended to maintain the family, the children, the old and the helpless" members of the workers' households.⁴ The low remittances therefore, represented the meagre savings after the migrants had met all their expenses at the work place.

But the remittances were an important element of the Lesotho economy as the report by the Resident Commissioner for 1904 indicates. Sloley was of the opinion that while the economy was performing well at the time:

...there is an element of uncertainty as to the realization of a revenue largely dependent upon the success or failure of a season's crops...

Moreover, he added:

...There is also reason to believe that native labourers are beginning to spend a larger proportion of their earnings outside Basuto-

⁴S. Amin, (ed.), Modern Migrations in Western Africa (Oxford University Press, 1974), p.10.

land, which may have the effect of diminishing the volume of trade, and the customs revenue.⁵

Migrant remittances were important as a means of stimulating internal commercial business, which in turn gave a boost to customs duties. But since the system was voluntary, the prospects for a large scale inflow of cash were slim indeed.

However, in 1912, a scheme known as Voluntary Deferred Pay System was created. The administering body, the Deferred Pay Board of Control, consisted of the Director of Native Labour (as chairman), three South African government employers and representatives of the mining houses. The Board was in turn under the control of the Native Recruiting Corporation which was formed to recruit labour within South Africa, Lesotho Swaziland and Botswana.⁶ Under the new arrangement, the Corporation undertook to recruit African labourers under the Voluntary Deferred Pay system. That is to say, during the time of recruiting agents of the Corporation would ask the prospective labourers whether or not they intended to engage under the new system. If they indicated a willingness to do so, they would then sign a special contract form designed

⁵ CAR, Basutoland, Report dated 30th June, 1904.

⁶ The Native Recruiting Corporation was established primarily to stamp out the practice of competitive labour recruiting, which was undertaken by various private labour recruiters among whom were: Messrs Moslert, s Ltd, Stephens Labour Organization, Hadley's Labour Recruiting organization, etc.

for that purpose? At the work place the labourers concerned were expected to deposit undefined portions of their monthly wages with the Board, which would then defer the money for payment at home.

But apart from what might seem to have been pressures from the various administrators in African areas both within South Africa and the High Commission Territories, why was the system introduced at all? To answer this question, one must understand the circumstances surrounding developments in the mine areas at the time. Sheila van der Horst has noted that there was a new trend taking place at the mines and this was characterized by the practice of permitting African labourers to reside with their families in mine compounds and adjacent areas. Although this practice was commonly found on the Transvaal and Natal collieries,⁷ a similar trend was noted in connection with the gold mines. The evidence for this came from a statement by Taberer, Chairman of the Native Recruiting Corporation before the Economic Commission of 1914. He stated that the desire by workers to settle in mine compounds:

⁷ S. van Horst suggests that this was common in the compounds around the collieries because there was plenty of land upon which the migrants could erect huts and cultivate food. For details, see Native Labour, p.187.

...is not only a strongly expressed wish, it is a growing wish especially now. You will understand that in most parts of the country they have lost their cattle through disease...and they say, "having lost my cattle there is no tie to keep me here. My home is my work, and I should like to have my wife and children with me at my work".⁸

The commission noted that while there were advantages to gain from a stabilized labour force, there were also disadvantages, which would arise from the settlement of Africans with their families in the proximity of the mines. What exactly were these advantages?⁹ According to van der Horst, the so-called disadvantages were really an expression of fear of what might happen with the settled population in the event of the mining industry going out of production.¹¹ Clearly, the mining industry did not want to be faced with the responsibility of catering for an unemployed population so it strove to maintain the migratory labour system, which was based upon the philosophy that the labourers' link with their areas provided an asset they could always fall back

⁸ South Africa, The Economic Commission Report of 1914, U.G. 12, 1914, para. 15.

⁹ Ibid.

¹⁰ Moreover, the settlement of the workers and their families on the mines compounds would necessitate the payment of a family wage to the labourers and this would have obviously driven up the mining industry's wage bill.

¹¹ S. van der Horst, Native Labour, pp. 190-191.

upon. Thus, in spite of the evils of the migratory labour system and the immorality inherent in the compound system, the mining industry's social policy remained that of separation of the mine labourers from their families and dependants..

In the light of this, the system of voluntary deferred pay was designed to put a stop to this process of proletarianization, the rationale being that if wages were deferred for payment at home, it would obviate the necessity of the workers' household members coming to the Rand. It was for this reason that provision was made so that

...remittances will only be made to the relatives or dependants of the native concerned the attesting officer having the right at the time of attestation to veto the inclusion of any remittance where he is not satisfied that it is in respect of a relative or dependant.¹²

In fact the regulation regarding payment of deferred money went further than this. It required that:

...the agents of the Corporation, entrusted with the making of payments, bind themselves to pay the full amounts of deferred pay directly to the natives concerned and do not in any way concern themselves in the payment

¹² S3/5/18/1, Letter No.182, Manager of N.R.C. to district superintendents and representatives, dated 17th January, 1918. See also letter No.434/16/26, Native Affairs Dept. to Government Secretary, Maseru, dated 18th January, 1918.

of any liabilities incurred by or, on behalf of such natives, understanding that any failure to comply with this stipulation will be regarded as misconduct.¹³

In addition, to this, there was a provision for the accounts relating to deferred pay to be inspected regularly by the Director of Native Labour or any duly authorized officer.

The news of the establishment of the system was warmly welcomed in Lesotho since it coincided with the government's own desire to have the Basotho workers remit portions of their wages home. Almost immediately, provisions were made to have money deferred by the workers paid out by the respective district commissioners. The only exception was with Maseru district, where payment was to be made by the Superintendent of the Native Recruiting Corporation.

Though this arrangement was made in 1912, the actual operation of the system started in 1918. The recruitment of Basotho workers on the voluntary deferred pay scheme, which started in that year, met with major setbacks from the onset. Many Basotho simply declined to avail themselves of the scheme. The number and percentage of those who went out on the scheme was, as can be seen from table 12 below,

¹³ S3/5/18/1, Circular Minute D1/18, H.S. Cook, Native Affairs Department to Magistrates, Native Commissioners, dated 23rd January 1918.

TABLE 12

MONTH	1919			1920			1921		
	number recruited	number on D/pay	%	number recruited	number on D/pay	%	number recruited	number on D/pay	%
January	1237	9	0.7	1443	94	6.5	2222	28	1.26
February	950	22	2.3	847	19	2.2	1954	29	1.5
March	979	90	9.2	938	35	3.7	1660	21	1.2
April	794	125	15.7	663	60	9.0	1627	60	3.7
May	262	58	9.3	431	49	11.3	1279	18	1.4
June	695	43	6.2	678	65	9.6	1628	8	0.4
July	806	50	6.2	112	39	9.4	2129	23	1.1
August	943	36	3.8	579	21	3.6	2548	19	0.7
September	778	30	3.9	651	38	5.8	2043	32	1.5
October	1023	72	7.0	971	41	4.2	2309	38	1.6
November	1061	128	12.0	1479	47	3.2	2706	37	1.3
December	1121	108	9.1	1961	24	1.2	2454	46	1.8
TOTAL	10649	771	7.0	11053	532	4.8	24559	359	1.5

Source: S3/5/18/1 Letter No. 434/14/26D, Director of Native Labour to Government Secretary, dated 20/10/1919.

low in comparison with those leaving under the usual contract scheme. While the number of Basotho labourers on the deferred pay (D/P) scheme averaged only 7% in 1919, elsewhere in South Africa the picture was different. The number of those recruited from the Cape Province averaged 46.7%, Zululand 72.3%, Swaziland 31.5%, and Natal 35%.¹⁴ The following year, the number of Basotho on the scheme actually dropped to 4.8% and by 1921, it was at its lowest ebb (1.5%). In reference to this, the Director of Native Labour expressed disappointment at the unwillingness of the Basotho workers to avail themselves of the scheme.¹⁵ In response R.B. Smith wrote:

From information obtained locally, I gather that Basuto generally, are not taking advantage of this undoubted privilege, and as the National Council is to meet next month, I should appreciate an early reply so that His Honour the Resident Commissioner can be in a position to explain to this body the expediency of adopting the system.¹⁶

Smith further wanted to know whether it would be possible to make it compulsory for the Basotho to defer their wages. But Pritchard insisted that the system had to remain voluntary and suggested that it should instead be popularized through widespread education and government advertising

¹⁴ S3/5/18/1 Pritchard, Director of Native Labour to R.B. Smith, Government Secretary Maseru, letter dated 1920.

¹⁵ Ibid.

¹⁶ S3/5/81/1 Letter No.23/8/17, R.B. Smith to Pritchard dated 28th August, 1920.

campaigns.¹⁷

These campaigns vigorously started by the end of 1922. In a meeting of the Central Board of Advice on Education in Maseru in December, the Government Secretary spoke on the subject of deferred pay emphasizing that:

...it needs no words from me to demonstrate how enormous would the advantages be to the Basuto Nation if the deferred pay system could be only accepted by all those who go to the mines.¹⁸

Smith pointed out to the members to do all they could to influence the Basotho to enter the scheme. He called upon the missionaries, who were on the Board to induce the Basotho to defer their wages since the welfare needs of the families and dependents of the workers depended on the remittances.

In the Basutoland National Council, interest in the scheme resulted into a unanimous resolution urging all the members to to "use all the influence" they could bring to bear on the Basotho labourers "to take up the deferred pay

¹⁷ S3/5/18/1 Letter, dated 24th August, 1922.

¹⁸ S3/5/18/1 Meeting between Government Secretary and the Central Board of Advice on Education, held at Maseru on 7th December 1922. See also Circular No.36 of 1922, R.B. Smith to Assistant Commissioners, Officers-in-charge and Missionaries, dated 11th December 1922.

scheme.¹⁹ This was hailed by the Basutoland Chamber of Commerce, which also resolved:

That this Chamber notes with interest the resolutions passed at the recent meeting of the National Council relating to Deferred Pay and desires to impress upon every Member of the Chamber also to Non-Members its importance and trusts that all those who are resident and interested in Basutoland will do their utmost to popularize this system of payment.²⁰

It is not difficult to see why the Chamber of Commerce was interested in the scheme. Since remittances would increase the purchasing powers of the Basotho, the Chamber hoped to increase its own business interest in the country. So, for purely self-interest, it made a commitment to play a major role in popularizing the system.

As a consequence of all these campaigns, the number of Basotho labourers recruited under the deferred scheme increased significantly. The table below is a summary of the results of recruitment between 1927-1930.

Apart from the fact that the percentages of Basotho on the scheme rose to an average of 27% in 1927, 33% in 1928 and 40% in 1929-30, there was also a significant trend, which

¹⁹ C.O. 417/683, Proceedings of the Basutoland National Council, 1922.

²⁰ S3/5/18/1 Basutoland Chamber of Commerce, Meeting held on the 4th December 1922.

TABLE 13

MONTH	1927			1928			1929			1930		
	number recruited	number on D/pay	%	number recruited	number on D/pay	%	number recruited	number on D/pay	%	number recruited	number on D/pay	%
January	892	182	20.4			25.7	1055	455	43.1	887	313	35.3
February	763	121	15.8			31.8	851	397	46.6	711	375	52.7
March	557	141	25.5			28.6	703	296	42.1	739	399	54.0
April	481	123	25.6			29.1	519	230	44.3	790	341	43.2
May	418	132	31.0			31.0	505	273	54.1	584	297	50.9
June	406	138	34.0			25.1	379	161	42.5	1526	557	36.5
July			26.2			27.1	690	261	37.8	679	269	39.6
August			26.4			28.5	777	246	31.7	1093	456	41.7
September			29.4			43.4	617	271	43.9	1409	538	38.2
October			33.0			42.1	638	296	46.4	1486	514	34.6
November			27.1			50.1	994	478	48.1	1414	538	38.0
December			27.0			37.0	909	279	47.1	1300	503	36.5
TOTAL							8637	3497	40.5	12618	5100	40.4

Source: S3/5/18/1 Statistics showing the number of Basotho on deferred pay was contained in a report dated 1931. The report does not indicate the number of Basotho recruited in July to December 1927 but only gives percentages of those recruited under the deferred pay scheme. In 1928, only percentages of those on the scheme were given.

is manifested by the table. It is quite interesting to note the fluctuation in the monthly number of Basotho recruited under both the ordinary contract system and under the deferred pay scheme. While the number had a tendency to be lower during the months of April to July, it had a tendency to rise rapidly from August through to December. As has been noted elsewhere, the months when recruitment fell to its lowest level reflected the agricultural cycle at home and it has been suggested already that during these times men remained at home to work the farms.

But while this may have been the trend in the previous years, the opening of the 1930's was a catastrophe for Lesotho. The coincidence of the depression and the exceptional drought of 1931-33 destroyed Lesotho's economy in absolute terms. Maize production, which was the country's staple food product was totally destroyed and for the first time in history, Lesotho had to import 350,000 bags for famine relief.²¹ In addition, the depression in trade led to record low prices for Lesotho's chief exports wool and mohair. But the export of these was limited since drought destroyed nearly 50% of the country's livestock population.

²¹CAR, Basutoland, Report for 1929-1933.

The impact of this depressing economic state was without precedent. A large scale migration to the mines, farms railways and other industrial sectors of South Africa took place. The number of those receiving passes to visit South Africa increased and reached an all time high figure of 113,000.

Significantly, as the economic difficulties impinged upon Lesotho, the need for workers to defer their wages for the bare maintenance of their household members became increasingly urgent. To that end, the campaign in favour of the deferred pay scheme which initially appeared low keyed was by now desperate. This was reflected in a letter to Brown, the district superintendent of the Native Recruiting Corporation in Maseru in which F. Foord, the Government Secretary expressed the view that:

...despite every effort made to encourage labourers to attest under the above scheme, many young labourers are stated to be particularly reluctant to do so... (and even) after they have agreed to the system upon attestation in Basutoland they have been permitted to vary their contract in this respect upon re-attestation at the mines.²²

Foord requested that the Basotho should not be allowed to defect once they signed contracts showing that they would defer their pay home. In addition he asked that all young

²² S3/5/18/1 Letter No.23/18, F. Foord to Brown, Maseru dated 5th May, 1931.

men under the age of 21 or all those still unmarried must be compelled to attest under the deferred pay system on the grounds that according to Basotho law, they were still "under the control of their parents or guardians."²³ The reply from Brown was unco-operative and frustrating. While recognizing the desperate need for the workers to remit cash home, Brown rejected the suggestion that the system should be compulsory for young men. Moreover, as to the suggestion that no Basotho should be allowed to opt out of deferred pay scheme on re-attestation at the mines, Brown stated that:

...if natives, who have when contracting themselves embraced the system and agreed to the deferment of a portion of their earnings, later cancel their undertakings and demand payment...the employer is bound to acknowledge their right to do so.²⁴

The official noted that it would be injudicious on their part to dictate what each individual worker should do with his money. He ended with a final note stating that it would be appropriate for the government to carry out continuous education and "advertisement of the benefits of the system."²⁵ On reading this note, Foord concluded with a disappointing dictum: "I am afraid nothing further can be done."²⁶ In other words, the government's attempt to make the system of deferred

²³ Ibid.

²⁴ S3/5/18/1 Letter from Brown to Foord, dated 2nd June, 1931.

²⁵ Ibid.

²⁶ S3/5/18/1 Minute, Foord to Resident Commissioner, dated 5th June, 1931.

pay compulsory was a failure principally because the Native Recruiting Corporation refused to compromise.

But in spite of that, there is indication that the Basotho labourers themselves voluntarily transferred a comparatively large amount of cash to their country during the early years of the 1930's. The table below indicates the amount of remittances and deferred pay received in Lesotho during this time.

It is evident that total cash repatriated to Lesotho either in the form of private remittances or through official Deferred Pay Board of control amounted to only a small proportion of the workers' annual earnings on the Rand. For example in 1932, when famine was raging in Lesotho, the migrant's financial contribution to their families' relief was only £3 per head per annum or 10% of migrants' annual pay on the Rand.²⁷

This amount was far lower than what was estimated to be the cash value of the minimum reasonable requirements of an African worker with a family of at least five members.

²⁷ J. Hofmeyr in his address to the South African Association for the Advancement of Science pointed out that the real level of African wages had actually dropped from what they had been in 1914, so that there was a desperate need for an increase in their wages. See this cited in D.O. 35/1178/Y847/1/2' Rand Agency Report for 1940.

TABLE 14
RECORDED AMOUNT OF REMITTANCES, DEFERRED PAY
SENT TO LESOTHO BY MIGRANTS

YEAR	No. of Basotho at Mines	Remittances (£)	Deferred Pay (£)	Total (£)	Estimated Earn- ings P.a. (£ 30)
1926	34,671	28,000	48,000	76,000	1,040,130
1930	24,907	48,000	30,000	78,000	747,210
1932	25,000	37,814	50,165	87,979	750,000
1933	35,700	96,936	59,250	156,186	1,071,000
1934	36,000	90,875	82,000	172,875	1,080,000
1935	37,014	131,800	113,917	245,717	1,110,420
1936	53,678	97,000	120,000	217,000	1,610,340
1937	40,943	103,262	138,341	241,603	1,228,290
1938	45,717	106,993	118,900	225,893	1,371,510

Sources: D.O. 35/1178/847/1/2, Report of the Rand Agency for the High Commission Territories,
dated 1st September 1942; CAR, Basutoland, Reports for the year 1926-1938.

Jamisch Miriam, Social Research Officer of the Union Native Affairs Department estimated in 1936 that the minimum living wage for a family on the Rand was £6.5 per mensem or £78 per annum.²⁸ This, plus the earning of the families in the rural areas, which was estimated at £17-20 per annum²⁹ would have raised the family income to approximately £90 per annum. This meant that migrants' earnings would account for 90% of the requirements of the households. But the wage rate of £30 per annum and the bare agricultural income of £17-20 per annum, which together brought an annual income of £47-50 per annum barely kept the rural households at below subsistence level.

But before making any conclusions on the impact of cash remittances on the general economy, one must first consider another aspect of cash remittance to Lesotho. These were transfers in the form of tax revenues to the government sector. How the process of tax collection and migrant labour became inextricably tied needs a brief historical explanation.

²⁸ Citation from Miriam Janisch's report was contained in D.O. 35/1178/Y47/1/2, Rand Agency Report for 1935-36.

²⁹ This estimate was made by the Mine Native Wages Commission of 1943, also known as the Landsdown Commission. See it quoted in D.O. 35/1178/Y847/2. Telegram on the Report, Lord Harlech, High Commissioner to Secretary of State D.O. dated 27th March, 1944.

Hut tax was first imposed on the Basotho by the Basutoland Annexation Act No.12 of 1871.³⁰ The payment of the tax was contingent upon land occupation. In this regard section 6 stipulated that:

Every person to whom any such allotment (of land) shall be made shall be bound to pay to the...Agent or to the magistrate of the district, for the purposes of the government... a hut tax at the rate of ten shillings per annum for every hut that may be erected for the occupation of a family on such land.³¹

In computing the extent to which each Mosotho was liable to hut tax payments, it stipulated that

...payment of the rate of ten shillings per annum shall become due for each wife of any person residing on any such lot, whether a separate hut shall be erected for the use of each such wife or not. The hut tax shall be also payable to every hut occupied by any unmarried man.³²

This provision significantly imposed high taxation on polygynists either because the practice of polygamy, which was common, was under serious attack by missionaries and/or other officers in the territory. It is also important to note that though unmarried land occupants were liable to tax, a large number of bachelors were exempted from payment, primarily

³⁰ Cape Parliamentary Papers, G20-68, Correspondence re Annexation of Basutoland. See also S.B. Burman, The Justice Of the Queen's Government (Cambridge, 1976) pp.6-8.

³¹ Basutoland Annexation Act No.12 of 1871, Section 6.

³² Ibid., Section 7.

because not many of them were allocated plots of land in the first place.

It is also important to note that tax payments were made either in cash or in kind (that is payment in stock or grain). These options of tax payment clearly meant that the Basotho could meet all their payments at home without recourse to wage labour in South Africa. In view of the fact that Lesotho was undergoing an unprecedented economic growth at the time, tax obligations were indeed, met locally. This point is reflected in Austen's report for 1875. He stated:

I do not mean to say that a person who is rich ought to go out to service...poor people ought to go out as servants and earn money to pay taxes.³³

Migration for the purposes of defraying tax obligations was an exception rather than the rule. But from 1907 onwards, with the decline in production capacity of Lesotho and the consequent increase in labour migration, there followed a radical change in the tax policy. For the first time all young men were subject to tax payment irrespective of whether they were allotted plots of land or not. The Basutoland Native Labour Proclamation No.27 of 1907 required all prospective labourers to pay their taxes in advance of their

³³CAR, Basutoland, Austen's speech to the Basotho at a Government Pitso (assembly) held on 4th October, 1875, G16-1876, p.11.

leaving the country to labour in South Africa.

This practice was institutionalized by the Basutoland Native Tax Proclamation No.3 of 1911.³⁴ The new tax law replaced the hut tax with a universal poll tax system. The tax rate remained at £1 per annum, but the amount payable by polygynists was raised to one pound per extra wife above the first. The important point about this law was that it extended liability for payment to all adult males domiciled in Lesotho. Many of the Young men, it can be argued, were by now "landless" R.C. Germond referred to the plight of these men in the following words:

Were the population to increase the situation would become truly critical within a few years, unless other means of livelihood were provided for the Basotho. They would be forced to migrate in large numbers to offer their services to the Europeans of the neighbouring countries which are less densely populated; but where their social condition would deteriorate and where, above all they would lose their independence.³⁵

Germond's statement gives an accurate summary of the economic state of the Basotho and the few options open to them to eke out a living at home without recourse to wage labour in South Africa. He also expressed concern that this migration would lead to social and political degeneration for the Basotho.

³⁴ (cmd 4907), Report on the Financial and Economic Position of Basutoland (HSMO, 1935), p. 56.

³⁵ R.C. Germond, Chronicles, p.480.

If it can be argued that the contradictions inherent in the internal system produced a proletariat who sought wages as a means of earning a living, it can also be argued that the introduction of the poll tax exerted pressure on this group to seek wage labour to defray tax obligations. One informant recounted the problem then in an interview with this author:

Starvation drove us from home to seek work in South Africa. Many people had no land, but were forced to pay tax and were arrested if they failed to do so. People had nowhere to get money to pay this tax but to go to work in Gaudeng (gold mines).³⁶

But an elaborate system of tax collection was only possible through co-operation among the recruiting agencies and the mines on the one hand, and the government of Lesotho on the other. To this end, the method designed was that which required any potential recruit to bind himself legally to defray his tax before leaving the country and this was done through a system of advance whereby the workers were loaned money to pay taxes and fines by the recruiters with an agreement to repay it back at the work place.³⁷ Evidently, this system operated well until the 1920's when it became

³⁶ Interview with Moeketsi held at Roma, Maseru district on 5th March, 1979.

³⁷ See section 27 of the Basutoland Native Labour Proclamation No.48 of 1911.

clear that not many migrants were returning home and consequently, the amount of tax revenue was steadily on the decline.

For this reason, the government of Lesotho approached its counterpart in the Transvaal with a request to open a tax collecting agency on the Rand. In a letter to the Native Affairs Department, the Resident Commissioner, Sturrock pointed out that many Basotho working in the Transvaal were in areas with taxes owing to the fact they were not returning home as expected. He suggested that the facility required would help the administration to "trace the lost Basuto."³⁸ Pritchard, the Director of Native Labour, responded on behalf of the Department. In his letter, he promised to use the stiffer tax laws of the Transvaal³⁹ to induce the Basotho to pay taxes in their own country. In this regard the official stated:

Revenue returns from the other provinces of the Union show that the exertion of this pressure is resulting in a marked improvement upon the tax collections of those provinces, and it seems reasonable to assume that the effect will be similar as regards the collections in the Native Territories, such as Basutoland adjoining the Union.⁴⁰

³⁸ C.O. 417/696 Despatches, Basutoland, Resident Commissioner to Director of Native Labour, dated 1923.

³⁹ See the Transvaal Act No.9 of 1908. By this Act, Africans were subjected to an annual tax of £2. In Lesotho it was 1.

⁴⁰ C.O. 417/696 Despatches, Basutoland, Reply Department of Native Affairs to Sturrock, 1923.

In view of this, the official asked that the government of Lesotho should defer the plan to send an officer to collect taxes from Basotho on the Rand until it had the opportunity of gauging the effect upon its tax collection, of the measures the Department was going to undertake. Finally, it was suggested that to make it easy to detect those of Basotho who were in tax arrears, all those leaving the country had to carry tax receipts issued by the government of Lesotho.⁴¹

It would seem that the operation of stiff measures in the Transvaal gave rise to a significant tax revenue of Lesotho. This is clearly shown by Table 15 below.

Tax Periods	Native Tax (£)	Migrant Tax (£)	% Migrant to Native Tax
1914-15	97,400		
1925-27	132,000	34,700	25.7
1927-28	137,700	35,000	25.4
1928-29	141,700	40,460	28.5
1929-30	136,200	37,300	27.4
1930-31	125,600	36,400	28.9
1931-32	116,800	36,400	31.2
1932-33	121,800	32,600	26.8
1933-34	90,000	42,000	46.7
1934-35	100,000	50,400	50.4
1935-36	140,900	44,800	31.7
1936-37	153,200	70,280	45.9

Source: Colonial Annual Reports, Basutoland, 1914-15, 1926-37.

⁴¹Ibid.

Two points can be made about the statistics on this table.

First, it is evident that the tax revenue collected in 1928-29 was the highest on record. This was primarily due to the spectacular boom realized in this period. But as the slump of 1929 stepped in, the amount of tax progressively declined until it reached an all time low figure of £90,000. It was only in 1936 that collection was up once more. The second point to note is the increasing importance of labour migration as means of deriving tax income. The significant growth in "migrant tax" was due primarily to the depression which forced several thousands of people into the labour market in South Africa. As H.D Eliot later pointed out, many of the migrants who left at this point in time never again returned home.⁴² This point was corroborated by the findings of the Tomlinson Commission, which estimated that from 1935 onwards the number of Basotho who had permanently emigrated to South Africa came close to 220,000.⁴³ Further evidence of this was reflected in the spectacular decline in annual rate of growth of the population from 4.5% in the 1870's to less than 1/10 of 1% in 1946.⁴⁴ This outflow of people from Lesotho seriously threatened to reduce the local tax base

⁴²C.O.35/1178/Y847/2, Rand Agency Report produced by Eliot in 1935.

⁴³Commission for Socio-Economic Development of Bantu Areas, also referred to as Tomlinson Report, U.G./61, 1955. See also D. Hobart Houghton, "The Tomlinson Report: A summary of the findings and Recommendations", South African Institute of Race Relations, (Johannesburg: 1956)pp.39-44.

⁴⁴Basutoland Population Census report for 1946.

and also the annual government tax revenue, which financed the administrative machinery.

But this was not all. By this time also, there evolved a new system of recruiting known as Assisted Voluntary System (Engcobo), which permitted the labourers to leave the country under terms different from those prevalent under the usual contract system. In brief this was how the system worked: all recruited labourers were "assisted" (financially and in other ways) to leave the country without signing contracts. They would be transported to the N.R.C. office at Germiston town. While there, the labourers would be shown a list of associated mines for which the corporation recruited labour. They would then select particular mines where they would prefer to work. It was at this point that the labourers signed contracts, ranging from an initial period of four months, after which they were permitted to sign for nine months, that is 270 shifts. On completion of this, they would be employed on a day to day basis for as long as the workers desired. This system, in reality, guaranteed a much longer stay for Basotho workers in South Africa. It might be asserted in addition, that many of the labourers who left under the A.V.S. were, in so far as tax collection was concerned, impossible to trace and were therefore lost to Lesotho.

"As a result of all this, the colonial administration, once more mindful of the loss in tax revenue, sought the co-operation of the Transvaal government. Once again it requested that facilities should be provided for a liaison officer to be stationed on the Rand to collect taxes from the Basotho.⁴⁵ This time, the government was successful in its bid and T.B. Kennan, who was for a long time district commissioner in Mafeteng, was sent to administer the tax office. Apart from tax collection, Kennan's locus standi was extended to include some of the duties, which had been previously performed by the Native Affairs Department.

This included inter alia, repatriation of the sick, the old, and other rejects of the industry and also to trace all Basotho who were in violation of pass regulations.⁴⁶

⁴⁵D.O. 35/461/20469/16 Native employed in the Witwatersrand: appointment of a liaison officer. See also the conference of the representatives from the three High Commission Territories, which was held in Johannesburg on 26-27th August, 1932. At this conference all the officers stressed the need of tax collection from labourers from the Territories on the Rand. However, there was some complaint about Lesotho undertaking a joint programme with the two territories because of the fact that there were more labourers from Lesotho than from the other two Territories and it was felt that a joint venture would lead to a great loss of revenue for Lesotho. For more details, see D.O. 35/461/20469/16, Report by G.J. Armstrong, dated August, 1932.

⁴⁶Ibid. The promotion of the Deferred Pay System and other forms of thrift was also undertaken by the office. Other minor functions dealt with dissemination of news from Lesotho, celebration of Moshoeshe's day, and the like.

The Rand Agency for the High Commission Territories, which was the official name of the tax office, started its work in earnest in 1932. From its inception, its tax collection was impressive as the following table indicates.

TABLE 16 Showing amount of tax revenue collected and remitted to Lesotho between 1932 and 1941.

	1932-3	1933-4	1934-5	1935-6	1936-7	1937-8	1938-9	1939-40	1940-1
Tax collected by the Rand Agency	17300	24129	26500	38162	39833	40955	45978	44027	67480
This Tax as % of total Native Tax	14.8	19.8	29.4	29.5	28.2	26.7	27.0	25.9	36.3

Source: D.O. 35/461/2049/23. Report by G.J. Armstrong on the Working of the Tax Office, September, 1934.

Evidently, the amount of tax revenue remitted from the Rand increased progressively from an initial amount of 17,300 to 39,800 by the mid 1930's. The growth in this tax revenue directly reflected the growth in the number of taxable who were by now residing on the Rand on somewhat permanent basis.

Many of these labourers had, in the words of one official, been "detribalized" and this, in his view, gave

cause for serious concern not only to Basutoland but to the Union Authorities as well. Most of the men are those who have come to the mines through the normal contract but have refused to return to Basutoland. They have all deserted their families.⁴⁷

⁴⁷D.O. 35/461/20469/23. Sturrock to H.J. Stanley, High Commissioner, letter dated September, 1934.

The task of the office was to educate the Basotho about the importance of maintaining links with their country and their families.

At this juncture it seems proper to pose the basic question: what were the uses to which repatriated tax revenues were put, and what impact did this have on the Lesotho economy. To answer this question, one must examine the pattern of government public expenditure.

A striking feature of this expenditure was marked by the persistent low level investment in agriculture and animal husbandry, which were the mainstay of the country's domestic economy. Expenditure on education, medical services and public works also remained modest. But there was a significant amount of cash devoted to expenditure on the police, and the administrative sector. All this is exemplified in Table 17 below. This pattern of expenditure was criticized by Sir Alan Pim in these words:

Up to recently Basutoland was very fortunate in being able to derive a substantial income from the sale abroad of its most important products, and the Government was able to meet its obligations without difficulty, and even to accumulate a substantial surplus. The conditions were in fact too easy and the belief in their continuance led to a tendency to let matters carry on by the old methods, without adequate consideration of the necessity of preventing the deterioration of the local resources, and providing against future difficulties.⁴⁸

⁴⁸ (cmd 4907) Alan Pim's Report, p.70.

A STATEMENT OF THE EXPENDITURE ON PERSONAL EMOLUMENTS DURING THE FINANCIAL YEARS 1913-14 AND 1920-21 AND FOR THE PERIOD 1924-25 TO 1934-35.

HEAD	1913-14	1920-21	1924-25	1925-26	1926-27	1927-28	1928-29	1929-30	1930-31	1931-32	1932-33	1933-34
Resident Commissioner	£ 13,874	£ 23,944	£ 12,340	£ 12,347	£ 12,376	£ 11,328	£ 11,826	£ 11,608	£ 11,342	£ 11,519	£ 12,001	£ 12,198
District Administration	(a)	(a)	10,838	11,385	11,323	11,638	12,109	12,661	13,059	13,546	12,749	13,427
Police Administration	14,379	25,520	26,134	26,851	27,332	27,386	27,090	26,323	26,284	26,019	25,536	24,366
Posts and Telegraphs	2,596	5,447	5,705	5,878	6,204	6,258	5,934	6,289	6,356	6,191	6,416	5,914
Administration of Justice	493	-	3,487	3,578	3,947	4,015	4,105	4,450	4,442	4,579	5,077	5,001
Public Works Department	1,757	3,169	4,643	4,516	4,090	3,721	3,623	3,633	3,577	3,876	3,841	3,969
Medical Works Department	6,994	11,908	13,726	13,324	14,096	14,465	14,232	14,202	14,376	14,562	14,938	15,139
Education Works Department	1,128	2,186	1,509	1,660	1,675	2,561	3,242	3,411	3,238	3,089	3,111	2,742
Lerotholi Technical School	---	---	2,365	2,404	2,423	2,452	2,485	2,466	2,439	2,287	2,113	2,236
Agriculture---												
Veterinary Division	1,108	1,974	6,898	8,214	9,588	10,419	9,706	11,955	13,801	14,440	15,017	15,659
Agriculture Division	---	---	---	---	---	---	2,055	2,769	3,213	3,377	3,819	4,125
East Coast Fever	1,063	2,479	---	---	---	---	---	---	---	---	---	---
Leprosy Settlement	987	7,758	7,615	7,889	7,742	7,783	8,038	7,519	7,585	7,584	7,822	7,220
Audit Settlement	5,400	495	---	---	---	---	---	---	---	---	---	---
	52,779	84,880	95,250	98,046	100,796	102,026	104,466	107,286	109,726	109,069	105,240	104,984

Notes: (a) Combined under Vote "Establishments."

(b) Veterinary and Agricultural Divisions combined.

(c) Subsequently included under vote Resident Commissioner.

(d) Includes Gaolers and Native Warders.

Source: (cmd 4907), Financial and Economic Position of Basutoland: Report by Sir Alan Pin, produced in 1935.

Pim also noted that the situation of absolute deterioration of the country's resources (human and material) had been reached and the country was now "drifting steadily to certain disaster".⁴⁹

Pim's criticism of the policy of negative development in Lesotho was one of the many criticisms of the colonial administration's policy in Lesotho. In 1933, Lord Snell deprecated this policy and referred to it in such terms as "a system of stagnation rather than progressive development".⁵⁰ In South Africa, the editorials of the Star and Bloemfontein Friend suggested that it was about time Britain injected some funds into Lesotho to "patch up what years of official neglect had left behind".⁵¹ In a classic statement, Lord Olivier pointed out in 1933 that:

...there is the unfortunate circumstance that all over South Africa and in (Lesotho) ...direct taxation of natives has been increased, so that, while they have not been able by agricultural economy or improvement of their cattle to earn any more money, the expenses of their government are continually increasing and the only way for them to meet those expenses is by going out to work for South Africa white farmers and in the minesPopulation is increasing and the people

⁴⁹ Ibid.

⁵⁰ Hansard, House of Lords, Question by Lord Snell, 13th December, 1933.

⁵¹ See the editorial reports reproduced in D.O. 35/456/20365/2, Affairs of Basutoland, 1933.

are becoming poorer and poorer and more and more dependent on going out to labour for wages.⁵²

All these criticisms stirred the Dominions Office, which was responsible for the administration of the High Commission Territories, into action. In 1934, J.H. Thomas, Secretary of State for Dominion Affairs, sent a commission headed by Sir Alan Pim to report on the financial and economic position of Lesotho.⁵³ The selection of Sir Alan was no accident in view of the fact he had already made a similar type of report on Swaziland and Botswana respectively.

In the meantime, there were discussions within the D.O. about the very policy of neglect that had resulted into such a sad state of affairs in Lesotho. This situation was not peculiar to this territory. The fact is, the Imperial government hardly had a coherent economic policy for the dependent empire. Typically, Sir Geoffrey Whiskard, Assistant Under-Secretary in the D.O. and also a driving force behind economic matters in the department admitted that:

None of those in the Department who have responsibility for the administration of the affairs of the H.C. Territories can, I imagine, regard the present condition of the Territories with any satisfaction ... their social and economic development has lagged far behind that of the colonies further north ... It is open to question

⁵² Hansard, House of Lords, Statement by Lord Olivier, 26th July, 1933.

⁵³ (cmd 4907)

whether we are in fact providing the minimum which can reasonably be expected of us... I am not without anxiety that should any event direct public attention to the conditions of the territories we shall find it difficult to justify our past administration.⁵⁴

Whiskard blamed this lack of progressive development on the past financial policy which had been

largely directed at keeping the Territories self-supporting and when, as for some years in the case of Swaziland and recently in the case of Bechwanaland, they have ceased to be self-supporting and have had to be financed by grants-in-aid, the policy of the Treasury has been to keep those advances as low as possible.⁵⁵

Whiskard called upon the D.O. to abandon this policy and to work towards a positive development of the Territories. He called upon the D.O. to come up with some concrete picture of what the Territories were to look like "if all wishes were to be translated into facts and if no financial consideration had to be taken into account". This picture, he argued, would set a standard towards which the D.O. would strive. Finally, he suggested a formation of an inter-departmental policy committee to develop a more "positive forward policy for the Territories."⁵⁶

⁵⁴D.O. 35/478/20967/2, Minute G. Whiskard to E. Harding dated 15th January, 1934.

⁵⁵Ibid.

⁵⁶Ibid.

These concerns, expectedly, formed the basis of Edward, J. Harding's letter to High Commissioner, Sir Herbert Stanley, of January 1934. Sir Edward stated:

We have for some time had in mind that it would be desirable for us in this office to have a somewhat clearer vision that we can claim to have at the present moment as to the general direction of our policy in the High Commission Territories and the relation between the policy pursued by the C.O. in regard to the native races north.

Harding added that:

such consideration as has hitherto been given to this question, whether by you or by us or as a result of the special proposals by Pim or Togart has naturally been limited first by financial exigencies and secondly by the desire of the Union to take over the territories.⁵⁷

The PUS reiterated that the D.O. desired to approach the whole problem of the Territories from a somewhat different angle, but not from one based on the ad hoc decisions, which had had characterized the office policy to these areas. He noted that the expert opinion and advice of the High Commissioner would be of an invaluable help to those in the D.O.⁵⁸

⁵⁷ D.O. 35/478/20967/2, Despatch: Sir Edward Harding, Parliamentary Under-Secretary to H. Stanley, High Commissioner, dated 17th January, 1934.

⁵⁸ Ibid.

Stanley's reply promptly reached the D.O. in February, 1934. Evidently all that was contained in the reply was a promise to write back as soon as he conferred with his Resident Commissioner to draw up some form of policy inventory. But in conclusion he added the following note:

You will appreciate that any policy to be laid down...must be affected in some measure by considerations of the extent to which their (Territories) economic position is dependent upon their relations with the Union, and by possible political repercussions in South Africa, which might be expected as a result of the adoption of any policy differing or repugnant to, the policy of the Union itself.⁵⁹

This statement was persuasive if only because it continued to plough the same furrow reiterating the factors which constrained pursuance of an independent British policy in the Territories.

However, the report by Sir Alan Pim on the financial position of Lesotho in 1935, which was exhaustive, factual and well documented reopened a great interest in the plight of the Territories. The report accurately showed how a combination of soil erosion, over-grazing and population pressure on the land had cumulatively contributed to the serious decline in the productive capacity of Lesotho. He also showed how as a consequence of these factors, Lesotho had had to rely fully on migrant labour to South Africa.⁶⁰ Pim.

⁵⁹D.O. 35/478/20967/3, H. Stanley to E. Harding, letter dated 22 February, 1934.

⁶⁰D.O. 35/478/20967/4; Summary of the Report by Sir Alan Pim on the Financial Position of Basutoland.

recommended that Britain should under all circumstances provide funds to pay for development schemes in Lesotho.

As a result of this report, the D.O. became more than ever before concerned about its own policy in the Territory. The need for an inter-departmental policy committee became more urgent. Indeed, in November 1935 the committee, which consisted of J.E. Woods, (Treasury), W. Calder (C.O.) and from the D.O. were Whiskard, Tait, Machtig, Sedgwick and Malcolm MacDonald, Secretary of State for Dominions Affairs was formed.

The first and only meeting of this committee was on 14th November, 1935. Two important policy issues were discussed by the committee. One was economic and the other, political. The economic future of Lesotho and the other two Territories was viewed as either: (a) being self-supporting, "independent of the import or export either of goods or services", or (b) being "dependent on the import or export of goods but continuing" to export services (labour); or (c) being dependent upon the import and export of both goods and services.⁶¹ From the onset the committee dismissed option (a) as impracticable. As regards options (b) and (c) the committee raised a series of questions and concerns. First it asked: "On what lines would agriculture and industry

⁶¹D.O. 35/478/2067/3 Record of the Discussion of the D.O. Committee on the Affairs of the High Commission Territories, 14th November, 1935.

be based in order to secure for the people the highest possible level of material well-being? What forms of produce would be developed for exports? What public works for irrigation, transport, prevention of soil erosion would be necessary in the Territories? What would be the economic relations between the Territories and South Africa?

Political questions asked were: "What form of political structure", would be developed in the Territories? How could the process of detribalisation, which had been set in motion by the process of labour migration be halted? What types of educational, medical and administrative structures would be developed in the Territories?

These questions were sent to High Commissioner, Sir William Clark for consideration. But he was reminded that:

The consideration of all the above questions is necessarily affected, to a considerable degree, by the possibility of the transfer of any or all of the Territories to the Union, or elsewhere, in the near or distant future.⁶²

Clark's reply to the D.O. also ploughed the same furrow, reiterating that the uncertain political future of the Territories demanded a somewhat "interim policy rather than one based on the long view."⁶³ Sims statement was even more clearer about

⁶² Ibid.

⁶³ D.O. 35/904/Y8/1 Matters affecting the Territories; letter William Clark to Machtig; D.O. dated November, 1935.

what this interim policy meant in relation to Lesotho. He explained that this policy would mean maintaining Lesotho as:

A nation agriculturally self-supporting...
(but) with a large labour force working
across the border in the Union, bringing
money into circulation in the form of
wages and remittances.⁶⁴

Politically, Sims suggested that transfer should be the eventual goal of the administration. He expressed the opinion that the Lesotho and the sister states could be administered by the Union's Native Affairs Department at "a considerable lower cost than it is today."⁶⁵

Sims was in fact led to this conclusion by circumstances which had developed between 1933 and 1935. In 1934, General Hertzog, Prime Minister of South Africa had threatened economic strangulation of the Territories, if transfer was not affected by the British government. In this connection he told J.H. Thomas, Secretary of State for Dominion Affairs that:

There can be no doubt that the Union bears the brunt of the economic maintenance of the Territories and it is felt that if the Territories are to be maintained by the Union and to form part of the Union economically, they must also form part of it politically. The Union may find it difficult

⁶⁴ D.O. 35/356/10651^A/30 H.J. Sims, Resident Commissioner, Memo: on the future of Basutoland, sent to W. Clark in 1935.

⁶⁵ Ibid.

to continue the economic maintenance of the Territories to its own disadvantage, unless they formed part and parcel of the Union.⁶⁶

Hertzog cited the case of thousands of Basotho working in South Africa as greatly damaging, arguing that those labourers were ousting the Union workers from the employment market.

He added:

As this promise of transfer is now felt to be overdue, a strong adverse comment is making itself felt; and soon the Government here will be compelled to take action, unless some definite assurances can be given...that transfer will be effected within a reasonable time.⁶⁷

In response, Thomas agreed with Hertzog that the Territories were dependent on the Union. As regards Basotho labour in the Union, he pointed out that there was a demand for them there and that if this labour was indeed, ousting the Union Africans, the migration of the workers had also serious social consequences in the Territories. Thomas argued that the solution to the problems raised by Hertzog would not come about through belligerence on the part of the Union Government, but lay rather in a spirit of close co-operation and

the joint working out of a policy which will take into account all the complete considerations involved:

⁶⁶ (cmd 8707) Basutoland, the Bechuanaland Protectorate and Swaziland: History of Discussions with the Union of South Africa 1909-1939, p.41.

⁶⁷ Ibid, p.49.

He contended in addition that:

But I cannot see how it (solution) would be furthered by transfer, which in itself would merely mean that under Section 18 of the schedule to the South African Act, the Union would be debarred from imposing any discriminatory restriction whatever upon the entry of natives from the territories into the Union.⁶⁸

In 1935, Hertzog and Thomas met in London and discussed the question of transfer and other issues pertaining to the economic conditions of the High Commission Territories. This discussion led to an agreement, which was contained in the Aide-Memoir handed to Hertzog on May 15th, 1935. The document re-affirmed former British pledges that before any transfer could be effected, the inhabitants of the territories would be consulted and also the British parliament would have the chance to debate the issue and state its opinion. It also contained an agreement that the administrations of the Territories and the Union government would co-operate in matters relating to the economic development of the Territories. The ultimate object was declared to be the creation of a situation in which the inhabitants would therefore acquiesce in the policy of transfer.⁶⁹

⁶⁸ Ibid. H.J. Thomas to Hertzog letter dated 16th July, 1934.

⁶⁹ D.O. 116/6 File No 10991/233, Aide-Memoir handed to General Hertzog by J.H. Thomas, Secretary of State, D.O. 15th May, 1935.

In February, 1936, High Commissioner, William Clark and Grobler, South African Minister for Native affairs met in Cape Town to draw up an inventory of the areas in which the policy of economic co-operation could be implemented. It was decided at this meeting that the problem of soil erosion in Lesotho; water development in the Bechuanaland Protectorate and agricultural experimental schemes in Swaziland would be the first set of problems to be tackled. It was estimated that soil erosion scheme would cost £161,105; water development £25,700 and £2,500 would be needed for experimental projects in Swaziland. Financing of these schemes was to be shared on a fifty-fifty basis between the South African and the British treasuries.⁷⁰

This plan was brought to the attention of Malcolm MacDonald by the end of February, 1936. The D.O. accepted it as representing a good plan for the development of the Territories. But MacDonald warned:

....adverse parliamentary criticism might be excited in the U.K. if any action by the Union Government could be regarded as unduly intended to precipitate the demand for political transfer.⁷¹

⁷⁰D.O. 35/394/10991 Record of Meeting between William Clark and Grobler, Minister of Native Affairs, 11th February 1936. Also present was Smit, Secretary of Native Affairs; H.E. Priestman, Secretary to High Commissioner.

⁷¹D.O. 35/394/10991, Malcolm MacDonald to W. Clark, letter dated 27th February, 1936.

MacDonald also expressed fears that the chiefs might not view with favour the financial grant from South Africa because of the deep seated suspicion about South African desire to engulf the Territories. It was suggested that in order for the chiefs to accept this money:

It would be necessary to associate the Resident Commissioner as the administrator of the Territory concerned...and any local technical officers so as to avoid misconception by natives and ensure their co-operation and thus avoid friction.⁷²

The Secretary of State advised that the proposed contribution by South Africa should be made public and that the inhabitants should be encouraged to accept the plan as it would lead to their economic development.

When the news broke, there was unprecedented opposition from all the chiefs in the Territories. The Paramount Chief of Lesotho, Griffith Lerotholi remarked:

Take all that I have, but spare my life. I ask you to be good enough to make the request on my behalf that although the Basuto are in difficulty owing to shortage of food and want of livestock and there is great poverty, they should today sacrifice their lives and their animals...so that this portion of money which may be paid by the Union Government may be paid by the Basuto in order that the soil and this Territory remain theirs.⁷³

⁷² Ibid.

⁷³ D.O. 35/394/10991, Resident Commissioner to High Commissioner on the news of the opposition from Basotho to the grant; letter dated 23rd April 1936.

This statement reflected the extent to which the Basotho viewed with suspicion the financial contribution from South Africa. The Basotho believed that acceptance of the money was tantamount to accepting incorporation into South Africa. For them transfer was anathema, and it would take a sacrifice of their lives to maintain their independence.

The negative reaction of the chiefs to the grant from South Africa was viewed with interest in the D.O. for two reasons. First, it showed how the policy of transfer would be met with serious opposition from the inhabitants of the Territories. Secondly, it proved the faith that the inhabitants had in the Imperial link as a bulwark against South African attempt to engulf them. Thus, Khama stated in this connection that:

We very strongly oppose incorporation. We express strong desire to remain under the direct protection of Great Britain...⁷⁴

But the officials in the D.O. believed the inhabitants would change their attitude if persuaded to do so. MacDonald noted that the vital economic schemes had been initiated on the understanding that their costs could be met by a grant from the Colonial Welfare and Development Fund as well as the grant from South Africa. Now that the people did not

⁷⁴Ibid.

want the half of the grant, he argued, it would be difficult to get funds from elsewhere for the schemes. Moreover, he asked:

Apart from these difficulties would it not be prejudicial to authority and prestige of the Government in the eyes of the native opinion to abandon our position under pressure from chiefs in a matter of this kind?⁷⁵

He pointed out that the policy of co-operation had passed "beyond the stage of offer" and it had already been explained in both Houses of Parliament in Britain and the members of Parliament were fully convinced of the financial benefits of the grant. Yet, despite the necessity of the grant Harding cautioned that to "press this method of co-operation in the face of strong opposition would create a bad feeling and lead to exactly the opposite of what was to be achieved."⁷⁶

Evidently, the Resident Commissioners carried out the instructions with greater success. In this light Sims was able to report with gratitude that although in essence the people remained strongly opposed to the grant, they did not wish to embarrass the Imperial Government. The Paramount Chief stated:

⁷⁵ D.O. 35/394/10991/317 Telegram; E. Harding to William Clark dated 4th May, 1936.

⁷⁶ Ibid.

I reluctantly agree that this grant may be made if the Secretary of State assures me that this grant will not impair pledge that I will be consulted and be given an opportunity to answer for myself before any decision is reached as to transfer of Basutoland to the Union, and that also the House of Commons will be given opportunity to express their views. 77

The response from Tshekedi Khama equally showed how the desire not to embarrass the Imperial Government led to the acceptance of the grant from South Africa. Khama pointed out:

While it is clear that neither I nor my Tribe have any desire to accept this offer, yet I feel that if the Home Government has already committed itself to the Union Government in the acceptance of such offer, that neither I nor my Tribe would wish to embarrass the Home Government in the matter. In this circumstances I am prepared on behalf of my tribe, to leave the question of the acceptance, or otherwise, to the discretion of the Home Government. 78

However, while the Resident Commissioners were telling the chiefs that the grant was unconditional and the chiefs had softened their attitude towards it, the news from South Africa shocked the D.O. and directly jolted the policy off its foundation. Prime Minister Hertzog, in a statement

77 D.O. 35/394/10991/317, Paramount Chief, Griffith Lerotholi to Resident Commissioners dated 29th May, 1936.

78 D.O. 35/394/10991/363 Tshekedi Khama to C.F. Rey, letter dated 4th June, 1936.

reproduced in the Cape Times linked the grant with the question of transfer, which he considered to be imminent. He suggested that Swaziland would be transferred within two years followed by Bechuanaland and Lesotho respectively. Hertzog went on to point out that the Imperial Government had given instructions to the administrators to inform the inhabitants that they would be handed over to the Union within a fixed time. He argued that just as Britain had authority and the right to determine when the time was ripe for the Territories to be handed over: "The Union just as much as England would decide when the time was ripe."⁷⁹

Hertzog's statement shocked the officials in the D.O., who from the start deplored this statement as embarrassing and irresponsible. Immediately the High Commissioner was instructed to obtain an interview with Hertzog and to spell out British policy in the Territories. Harding noted that while it was right that the policy of economic co-operation in the Territories was intended, if conditions allowed it, to produce good will among the inhabitants towards the Union, this did not amount to Britain giving in to the idea of transfer. Harding noted that in the light of this misunderstanding, it was impossible to proceed with the policy:

⁷⁹D.O. 35/394/10991/337. Telegram: F. Foode, Acting High Commissioner to Secretary of State, dated 12th June, 1936.

if financial assistance by the Union Government were based upon the assumption that we are prepared to instruct officials in the Territories to let natives know that Territories would come into Union within a fixed time.⁸⁰

This, in Hardinge's view was likely to create unrest in the minds of the members of the House Commons who were interested in the fate of the Territories. But this aside, the claim that British officials were "instructed" to prepare the inhabitants for transfer would have the effect of prejudicing the "good faith" of the inhabitants in the administration. As if that was not damaging enough to British authority in the Territories, Hertzog's view that the Union Government as much as the British, had a right to determine "when time was ripe" to incorporate the Territories, would be regarded as a direct infringement of British policy of trusteeship in the eyes of public opinion both in Britain and in the territories.

It was against this background that Malcolm MacDonald, Secretary of State for Dominions Affairs, suspended the policy of co-operation in the economic development of the Territories. This decision was important for two reasons. First, it was able, at least in the short run, to allay the fears of the inhabitants of the Territories about incorporation to South Africa. Secondly, it demonstrated the sensitivity of the

⁸⁰ Ibid. Telegram, E. Harding to High Commissioner dated 12th June, 1936.

British in regard to the South African bid to incorporate these territories. Although in essence, these areas were destined to be handed to South Africa, the British Government was bound by the pledge made in 1910 and followed by successive governments that transfer would be effected only after the inhabitants were consulted and the U.K. Parliament had had time to express its views. For all intents and purposes, this pledge was sacrosanct. Therefore, it may be argued that neither economic inducements nor indeed, threats of economic strangulations of the Territories would blackmail Britain to acquiesce in the South African demands for transfer.

But what was significant for the Territories was that the failure of the policy seemed to have produced an understanding in the D.O. that if Britain had to hold on to the Territories, it was vital for her to assume financial responsibility in developing them so as to enable them to be self-supporting. To this end, it was decided that funds would be made available from the Colonial Development Fund equivalent to the full amount which was to have been jointly contributed by the Governments of Britain and South Africa.⁸¹ According to High Commissioner, William Clark, this marked a turning point in British policy towards the High Commission Territories. As he promised the chiefs of Lesotho in 1936:

⁸¹D.O. 35/394/10991/371, Hale to Tait, Minute dated 1936.

You can all rest assured that the economic development of your countries will continue to receive sympathetic consideration from my Government.⁸²

Clark's statement was important in the short run because it was aimed at restoring the confidence of the Basotho in the British government after it had become explicit that Britain had accepted financial grant from South Africa with the intention of creating good will among them for transfer to South Africa. According to Malcolm MacDonald, the uneasiness caused by this policy had to be removed so that: "natives should have no room for doubting our good faith."⁸³ Apart from that, one should view Clark's statement as an expression of the future intentions of the British government to create conditions of subsistence agricultural economy in which dependence on labour export would still remain the most dynamic means of generating cash into the country.

What, then, are the main points that emerge from this analysis? Two important considerations must be stressed. First, the institutionalization of the system of cash transfers to Lesotho was rooted in the belief that migrant earnings would provide a critical supplement to the low agricultural subsistence production of the households in Lesotho. It

⁸²D.O. 35/394/10991/385, William Clark's address to the Chiefs of Lesotho, 1936.

⁸³Ibid.

has been noted that contrary to this belief the cash remittance to the households had little, if any, impact since the amounts involved were low (reflecting the low earnings of the Basotho on the Rand); and they were able to maintain the rural households, at the very best, at the level below subsistence. It has also been shown that tax transfers to the government, which at times were comparatively high, were expended in areas not directly related to the livestock and agricultural developments, which were the mainstay of the domestic economy. Evidently, while in the period prior to 1930, Lesotho remained agriculturally self-supporting and depended on labour export as a measure of generating cash income into the country, after that year, the story was different. The coincidence of the drought and the depression of early part of the 1930's combined with restrictive economic policy and resulted into a great catastrophe for Lesotho. The stress and suffering brought about by the depression forced thousands of Basotho into South Africa in search of a livelihood.

This economic plight led to a critical examination of the D.O. policy not only towards Lesotho but also in the other

High Commission Territories. Sir Alan Pim's report on the financial condition of Lesotho, which came out as a result of these concerns bluntly blamed the neglect not only on the colonial government but on the British government as

well. These criticisms were genuine and soundly based on evidence, and the D.O. accepted them without reservation. However, officials seemed, at the time, to have used the excuse that Lesotho would be eventually incorporated into South Africa to justify their policy of neglect.

But if the plan for incorporation prejudiced an aggressive economic policy in Lesotho, it also provided an illusory alternative to the D.O. which was interested on shifting responsibility of economic development to South Africa. Therefore, South African demand for incorporation of the Territories, which occurred in the mid 1930's came at an opportune moment. The discussions between the two governments which transpired at the time, produced an agreement (Aide Memoir), which clearly spelt out conditions under which Britain would agree to transfer. In an attempt to implement this agreement, Britain and South Africa planned to carry out a joint economic policy in the territory. This policy was tenuous and was indeed, doomed to failure from the onset because of the deep seated opposition in the territories against anything that they suspected would commit them to transfer. But the opposition from the inhabitants alone would not have led to the shelving of the policy. It was Hertzog's interpretation of the plan in a manner which was embarrassing to Britain that provided the final straw that "broke the camel's back."

The D.O. learned one important lesson from this venture; it could not hope to promote economic development in the Territory with the co-operation of South Africa since the touchy question of transfer would be raised again. The official view in the D.O. was that Britain should commit herself financially to developing the Territories. Her policy of holding on to the Territories would only be justified if these areas were agriculturally self-supporting even though they would continue to export their labour power to South Africa. For Lesotho, this remained the kernel of the D.O. policy in subsequent years.

CHAPTER V

BRITISH COLONIAL LABOUR POLICY AND

LESOTHO: 1930-42

By 1930, Lesotho was fully transformed into a labour exporting British dependency. The process of transformation, which was achieved through consistent collusion between the colonial government in Lesotho and the South African state, involved the operation of various state agencies. Significantly, much of the policy which was pursued with respect to migrant labour attracted no attention whatsoever from the Colonial or Dominion Offices. The lack of interest in colonial labour questions was not peculiar to Lesotho, but seemed to have been a characteristic feature of British policy, which favoured the growth of "Indirect Rule" policy and the independence of colonial governments in matters of local policy.

Beginning from 1929, however, colonial labour matters began to attract attention as an important element in British overseas colonial policy. The lead in formulating a policy for the improvement of labour and social conditions in the dependencies had its origin with the Labour Party

government in Britain of 1929-31. The advent of the socialist Lord Passfield (the former Sydney Webb) as Secretary of State for the Colonies provided a good climate for positive changes in colonial labour policy.¹ Passfield's commitment as a social reformer was reinforced by the appointment Dr. Drummond Shiels as Parliamentary Under-Secretary of State for the Colonial office.² The two men became the moving spirits behind colonial labour reform policy in the labour government of 1929-31.

The first clear evidence of the colonial office commitment to labour reform was reflected in the Colonial Office conference, which was summoned by Passfield in June, 1930. The conference brought together delegates from British African, Pacific and Caribbean colonial dependencies. Captain B.E.H. Clifford attended the meeting as an observer on behalf of the High Commission Territories.³

¹Sydney Webb (1859-1947) became Secretary of State for the Colonies and Dominions Affairs in 1930 at the age of 70. He was an experienced social reformer, a member of the Fabian Society and a committed socialist. See M. Cole, Makers of the Labour Movement (London, 1948) pp.227-247.

²Drummond Shiels (1881-1953), a medical doctor, a Labour M.P. and Parliamentary Under-Secretary of State in 1929-31. See Dictionary of National Biography 1951-1960. (London: Oxford University Press, 1971), pp.883-84.

³(cmd 3628), Colonial Office Conference, 1930 summary of Proceedings, (HMSO, 1930).

The agenda of this meeting included, inter alia, topics on the Colonial Development Fund, Communication and transport, broadcasting, trade arrangements and above all, colonial labour reform.⁴

Drummond Shiels took the lead in discussions of "labour organization and conditions". He started by informing the conference of the deep commitment of the Labour Government towards improving labour conditions in the dependencies. He expressed disappointment that there was no "adequate labour and social legislation in many colonies" to cater for the welfare of the workers, and also that those few pieces of legislation which existed were of "an obsolete character." In this regard, he singled out the "Master and Servant Ordinances" which, in his view, provided "very severe penalties for breaches of contracts" whereas in reality, these breaches should be treated as civil offences. Shiels regarded these provisions as subject to greater abuse in situations where contracts were verbal, as was the case in many African dependencies. He called upon the administrators to modernize these laws so that they would conform to "civilized" practice.⁵

⁴ Ibid., pp. 94-100.

⁵ Ibid.

The second important consideration that Shiels drew to the attention of the delegates was the dangerous consequences of the low wage policy followed in many of the colonies. He argued that low wages were responsible for the shortages of labour experienced in most dependencies. He cited the massive migration of labour across international borders as reflective of the existence of poor conditions and low wages in the labour exporting territories. In fact, Shiels may have been addressing this question particularly to the representatives of British Central and Southern African territories which experienced a substantial number of their subjects driven away to the mines of South Africa because of the economic difficulties in their homelands. In such an instance, the Parliamentary Under-Secretary insisted that governments of labour exporting countries should pay particular attention to the economic interest of the labourers.

Thirdly, Shiels called on the delegates to encourage the growth of Trade Unions. He insisted that it was the duty of every colonial government to encourage rather than suppress organizations of workers. He emphasized that it was much more satisfactory to deal with organized bodies than with irresponsible individuals. He argued that organized unions were necessary "safety valves" which could be turned into proper constitutional bodies, but suppressing such

organizations would only drive the movements underground and turn them into subversive organizations.⁶

In conclusion, Shiels expressed his general desire that the conference would provide a lead in improving the conditions of millions of colonial workers.

These views, appropriately, formed the basis of the oft-quoted memorandum despatched by Passfield to the colonial governments in August, 1930.⁷ In this communication Passfield touched on all aspects of the labour reforms discussed at the conference. However, he drew the attention of the governors to the burning issue of revising the existing Masters and Servants Ordinances which contained harsh penal provisions. Passfield urged that the severity of these sanctions should be eliminated, or reduced to an absolute minimum; and that breaches of verbal labour contracts should be brought under civil law and not treated as valid grounds for prosecution.

In addition, Passfield and Shiels felt that attention should be paid to other aspects of the labourer's social welfare such as hours of work, rates of pay, housing conditions,

⁶Ibid.

⁷D.O. 35/417/11769, Circular Despatch, Passfield to Governors, dated 6th August, 1930. See also C.O. 323/30/1071/70093.

medical services, and the like. He asserted that these issues were central to the evolving colonial labour policy and it was the duty of the administrators to "show a high standard in such matters".⁸

The Secretary of States' circular received a careful consideration by the Resident Commissioner in Lesotho. J.C. Sturrock's response made clear to the Colonial and Dominion Offices the stark realities of the peculiar situation in Lesotho.⁹ In that territory there were no vocational, plantation or mining industries employing a significant number of Basotho labourers. The only employment agency was the government and as such the only conditions of labour, which called for attention were those pertaining to labour performed for the government by road workers and clerical staff. The Resident Commissioner pointed out that the conditions of work for these labourers were good.¹⁰

The major problem was that a large number of Basotho were employed as migrant labourers in South Africa and that the proclamation which governed their movement (Proclamation No.48 of 1912), had penal provisions attached to it. In

⁸ Ibid.

⁹ D.O. 35/417/11769, Letter, Sturrock to Secretary of State, D.O. dated 9th January, 1931.

¹⁰ Ibid.

view of the fact that this law was passed as a corollary to the South African Native Labour Regulation Act No.15 of 1911, which controlled the movement of African labourers to and from the industrial hubs of South Africa, the Resident Commissioner felt that the abolition of penal sanctions in Lesotho would only make sense if similar action were adopted in South Africa. The administration which had for a long time co-operated with the South African employers in supervising and controlling migrant labour from Lesotho, resisted the change not because it would create disruption and confusion within Lesotho, but rather because it raised the possibility of following a contrary policy in Lesotho. That is to say, the abolition of penal sanctions from the laws of Lesotho would make Basotho migrants subject to civil proceedings in their country. But equally, they would remain subject to criminal penalties while they were in South Africa. It is within this context that the Resident Commissioner strongly opposed the call for the abolition of penal sanctions from the Basutoland Native Labour Proclamation No.48 of 1912.

The peculiarity of Lesotho's case exposed the divergencies of labour conditions in the various parts of the colonial network. In fact it was the divergences in the labour laws of the colonies, which were responsible for the traditional way of informal handling of labour issues by the Colonial Office. Shiels felt that such ad hoc approach could

only lead to confusion and an unco-ordinated policy. He therefore proposed the creation of a machinery within the Colonial Office to deal with labour issues in the colonies on a continuous basis. The presence of this machinery would be a check against the inflexibilities and obstructiveness of both the permanent office staff and the colonial administrators. For this reason, Shiels made a strong representation to Passfield on party lines:

I feel that a Labour Government, should give as its contribution the achievement of the co-ordination of Colonial Labour legislation, on a basis of which we need not be ashamed, and which will save us from the repeated face-saving devices to which we have to resort just now.¹²

Shiels viewpoint, evoking pride in the Labour Government as the government of reform and positive action, was supported by Passfield. As a result, he sanctioned the formation of an inter-departmental committee, known as the Colonial Office Labour Committee (C.L.C.), which was charged with the responsibility to

...review, and where necessary to formulate, the general principles on which Colonial Labour legislation should be based; to consider the different methods and degrees of application of these general principles or which may have become obsolete and substitution of more modern forms.¹³

¹² D.O. 35/417/11769, and C.O. 323/1117/31/80041/1
Minute by Shiels dated 11th May, 1931.

¹³ Ibid.

The members of the Committee who were also heads of departments within the C.O. were Vernon, Green, Paskin (General Department), Fiddian (West African Department), Flood (East African Department), Beckett and Darnley (West Indian Department), Calder (Tanganyika Department). H.N. Tait represented the Dominions office (and hence the High Commission Territories).¹⁴

The first meeting of the C.L.C. was held on the 22nd May, 1931 under the chairmanship of Drummond Shiels. The main concern was with the review of labour legislation in the colonies. Shiels reiterated his objection to penal sanctions:

...Generally speaking, I desire that any "penal sanctions" applicable to labour engagement should be eliminated or reduced to an absolute minimum and that the relations of employer and employed should be left to the ordinary law of contract.¹⁵

But the second meeting of June revealed, much to Shiels' astonishment, the sharp differences of opinion among the members of the committee in relation to whether or not penal sanctions should be abolished. One group supported their retention in Africa arguing that this was the only means by which African workers could be obliged to honour their con-

¹⁴D.O. 35/358/10369^A/18

¹⁵C.O. 888/1 Colonial Labour Committee Papers 1931-41
(No. 1.)

tractual agreements. Another group advocated their abolition pointing out that penal provisions tended to give undue protection to employers even though conditions of labour they were offering were such that would force-labourers to desert. Such differences of opinion, in Shiels view, only created confusion which promised to undermine his desire that the CLC arrive at a unified general line of policy. Shiels appealed to the committee members to agree on some general principles on contract labour and the contentious subject of penal sanctions.¹⁶

Shiels would not allow the division of opinion to stifle his commitment to abolish penal sanctions. At the following weekly meeting of the CLC, Paskin and Green were asked to prepare a working memorandum with provisional recommendations to guide discussions on the tortuous issue of the abolition of penal sanctions. Their memorandum, which was entitled "Recommendations regarding penal sanctions for the enforcement of labour contracts in the more primitive territories" was promptly tabled for the meeting of late June 1931. It supported the contention that penal sanctions were to be abolished. Once more, Shiels' opponents rejected the idea of having penal sanctions eliminated. They insisted that the

¹⁶C.O. 323/1117/31/80041/3, Colonial Labour Committee, minutes dated 5th June, 1931.

removal of penal sanctions from labour ordinances was tantamount to the removal of all other forms of sanctions. Their main contention was that African workers ordinarily had no wherewithal to pay fines ordered in civil proceedings and, therefore, penal sanctions were the only possible deterrent; the alternative meant, in fact, letting African labourers "get off scot-free."¹⁷ Despite the strong arguments in favour of retention of the penal provisions, however, everyone in committee agreed that these provisions were repugnant to progressive thinking in Britain and were reminiscent of slavery. In the end Shields' view prevailed and the committee adopted the recommendations of the Paskin-Green memorandum. This was a significant victory for Shields personally and for the liberalization of labour ordinances in the colonies, in general.

But in August, 1931, the Labour Government fell and Shields left office. However, the CLC survived though its future came up for consideration immediately after the fall of the Labour Government. The conservative influence in the National Government seemed likely to reduce the enthusiasm of the Committee and relegate its role to dealing with labour questions on an ad hoc basis. This was certainly evident

¹⁷ Ibid, Minutes dated 27th June, 1931.

in the reductions of the number of meetings held by the CLC to discuss labour questions after Labour's fall. See table 18 below.

However, though the frequency of the CLC weekly meetings under Labour was now drastically reduced, the controversy over penal sanctions continued unabated.¹⁸ But the recommendation calling for this abolition, which was adopted during Shields' time stood unchanged. On 7th January, 1932, J. Paskin sent a circular despatch to the colonies, which followed up the Passfield despatch of 1930 with the recommendations adopted by the CLC in 1931. He noted with regret the replies from most African colonial governments which maintained that it would be "inexpedient to discard" the sanctions from their ordinances. He noted with gratification the steps taken by the legislature of the Gold Coast in repealing sanction provisions from the Master and Servants Ordinance of the territory. Paskin asked the governments to reconsider their position and requested:

I should be glad in due course to be furnished with your views as to their (CLC recommendations) suitability for adoption as an indication of the general policy to be followed in dealing with this question as and when circumstances permit in the territory under your administration. In the event of your general agreement with these recommendations (should be glad to

¹⁸ Ibid, Minutes dated 27th, October, 1931

learn your views as to the extent to which effect can be given to them forthwith).¹⁹

Paskin's statement couched, in careful words, lacked the strong lead that Shiels, or Passfield would have given in effecting reforms in colonial labour ordinances had they remained in office. The statement reflected the conservative spirit of being over-solicitous of the views of the man on the spot.

The response to the circular and the recommendations from the colonial administration in Lesotho showed the extent to which the views of the "man on the spot" weighed very heavily upon decisions made in the C.O. or in the D.O. In this regard, J.C. Sturrock, Resident Commissioner, quickly pointed out that the Labour Proclamation No.48 in operation in the Territory had penal provisions simply because it was modelled on Act No.15 of South Africa which regulated the employment of Basotho migrant workers. Sturrock explained how this anomalous situation influenced any policy that might be adopted in Lesotho:

...the abolition even the modification of the provisions would have serious consequences for Basutoland...I feel that any modification of the existing laws would result either in labour companies declining to accept responsibility for advances to attested natives or in the flow of labour from the Territory to the Gold mines being seriously affected.²⁰

¹⁹D.O. 35/417/11769/4, Confidential circular despatch, J.J. Paskin to Governors, dated 7th January, 1932.

²⁰Ibid, Reply, Sturrock to D.O. letter dated 10th October, 1932.

Sturrock's statement requires a brief explanation. Under the existing arrangement, the system of labour supervision and control throughout Southern Africa fell under the Native Labour Regulation Act of 1911. This law was parent to the Basutoland Native Labour Proclamation of 1912 which was enacted to enhance the effectiveness of the Native Labour Regulation Act. In this context, therefore, criminal punishments spelt out by the law were meted out to the labourers irrespective of whether they committed offences in South Africa or in their own country. The modification of Basutoland Native Labour Proclamation would bring about a situation, which would subject Basotho to criminal penalties for labour offences committed in South Africa, but would face only civil proceedings in Lesotho for the same offences if they escaped back to their country before being arraigned. Sturrock argued that such a departure from the existing modus operandi "would only lead to massive desertion of work" by Basotho labourers. Because of this, the Rand mine owners would decline to employ Basotho. Sturrock contended that whereas it was apposite to delete the obsolete provisions in the law of Lesotho, it was equally important to protect the interests of the employers in South Africa. He pointed out that this protection had been afforded to them since the early part of 1900's and it seemed awkward for the administration to "tamper with the existing system of employing labour".²¹

²¹Ibid.

This view may indeed appear cynical, but given the fact that Lesotho's economic and political future was perceived to lie with South Africa, it was accepted that any policy formulated in the territory had to approximate with the law and practice in South Africa. H.J. Stanley, High Commissioner, put this point in its proper perspectives:

...you may imagine changes...in the laws of the Territories which affect the relation between the European master and native servants are not likely to escape criticism or observation in the Union, and might probably be regarded as constituting another and strong argument in favour of an early attempt to have the government of the Territories removed from Imperial and placed under Union control. The present government here and probably future governments would not likely see changes in the legislation which now exist in the Territories affecting natives which differ from that of the Union, and if the decision were to rest solely with me I should hesitate to issue such legislation...unless the Majesty's Government in the U.K. had felt able to assure me before hand that the Territories would not be handed to the Union at any rate at least ten years. (sic) 22

Stanley's statement clearly shows the political limitations of effecting the policy in the Territories. Significantly, as long as transfer of the Territories to South Africa was left even as an option, it would be impossible to carry out an independent political and socio-economic policy in the

²² Ibid., H.J. Stanley to E. Harding, D.O. Letter dated 6th December, 1932. Emphasis is mine.

Territories. In this circumstance therefore, the policy in Lesotho would continue to be contingent upon policies pursued in South Africa.

On a wider perspective, this limitation seemed to be the limitation of the Dominions Office itself. The D.O. link with South Africa constrained it from exercising its powers of administration of the Territories along similar lines to those of the C.O. in its territories to the north. So, whilst the C.O. could be said to have had unrestricted administrative and regulatory powers to force a policy in any given colony or protectorate, the Dominions Office functioned primarily:

...to secure the cooperation of the Dominions where necessary in carrying out British policies. It sought to present those policies in a manner likely to prove acceptable to Dominion Governments and at the same time to make known to British policy-makers any difficulties that Dominion Governments might see and to recommend ways of overcoming these.²³

Within the framework of this description of the role of the Dominions Office, it might be argued that in as far as the High Commission Territories were concerned, it was expected that the Office would tread warily to avoid policies which were unacceptable to South Africa. In this respect, Stanley's

²³ Joe Garner, The Commonwealth Office, 1928-68 (Heinemann, 1978), pp.25-26.

recommendation that no action was to be taken in regard to the High Commission Territories in general and Lesotho especially, was accepted without question in the Dominions Office. This policy, of course worked to the disadvantage of the Basotho labourers who had to suffer the severe penalties prescribed by the Basutoland Native Labour Proclamation of 1912.

Quite apart from the inactivity of the Dominions office arising from its own limitations over policy formulation and implementation in Lesotho, the response from Stanley was nevertheless very similar to those from other dependencies under the Colonial Office administration. Most governors argued that because of the serious economic depression, the changes in labour ordinances were incapable of achievement as yet.²⁴ The question of abolition of penal sanctions was temporarily shelved as the Colonial Labour Committee turned its attention to the question of labour recruitment in the colonies.

The initiative in this regard came from the International Labour Organization in Geneva. The question of labour recruitment in the dependent territories was discussed in 1932 as a result of a report produced by the Committee of

²⁴D.O. 35/417/11769

Experts on Native Labour²⁵ entitled "Special Provisions for the Recruiting and Engagement of Migrant Workers". But the draft principles contained under this heading were far too complex and it was felt that a simple consideration of the subject of "recruiting of labour in the colonies" would be readily acceptable by the International Labour Conference, which was the I.L.O.'s supreme, legislative organ. "Recruiting of Labour" was chosen as a priority for discussion in view of the fact that the process of obtaining labourers held out the prospects of "compulsion: being used by the recruiters on the people being recruited."²⁶

The recommendations of the Committee of Experts on Native Labour, known as the Grey Report (called so because of the colour of the cover), was sent to the Colonial Office in November 1934. The same month the C.O. despatched the

²⁵The International Labour Organization was established in 1919 as a constituent organization of the League of Nations. Its objective was to hold international Labour Conferences. Each member state was permitted to send two delegates representing the government and workers respectively. The Committee of Experts on Native Labour was created to review and recommend to the I.L.O. on matters affecting labour in the dependent territories. It was also responsible for supervising the application of ratified I.L.O. Conventions. For more information see E.A. Landy, The Effectiveness of International Supervision, (London: Stevens & Sons, 1966).

²⁶The Regulations of Certain Special Systems of Recruiting Workers, Questionnaire 1, 20th Session, 1936, p.4.

recommendations to the colonial territories.²⁷ Three general principles were central to the Grey Report. First, it expressed concern about the impact of the withdrawal of able-bodied adult males on the social life of the population concerned and how to minimize such adverse effects. This concern was raised also in several studies conducted in the 1920's.

Felix Speiser in his work on the New Hebrides had noted that:

Natives who are recruited are lost as far as re-population is concerned...numbers of young women have left to work on the plantation, and have only returned when they have passed the child bearing age.²⁸

Not only did recruiting inhibit reproduction of the societies but it also endangered their economic vitality. Evidence for this, was given by R.C. Germond, a specialist in agriculture at Fort Hare College in South Africa with a wide experience of the affairs of Lesotho. He pointed out in reference to the migratory labour process that "the absence of males from their homes during the greater part of the year" was reflected in the low agricultural yields of African areas in Southern Africa. He asserted that:

Even while the responsible male times his visit home to coincide with the ploughing and seeding season, agriculture suffers.

²⁷D.O. 35/358/10369^A/38. See I.L.O.'s Recruiting of Labour in Colonies and in other Territories with Analogous Labour Conditions. See also C.O. 323/1256/34/30205/65/1 Confidential circular despatch, dated 28th November 1934.

²⁸Ibid.

It allows of no preparatory cultivation nor does it enable him to take advantage of favourable rainfalls. It necessitates leaving to the women and to juniors their major part of the work. There can be no organized system of working. The standard of agriculture, therefore, is low and there can be no development.²⁹

As a safeguard against social and economic damage that occurred as a consequence of unrestricted recruitment, the Committee recommended that a fixed maximum percentage of males of labour age should be recruited from within any social unit at a given time. The magic figure arrived at by the Belgian Congo Commission of 1925 in this regard, was 25%.

In arriving at this figure, the commission calculated that no more than 5% of able-bodied males could be withdrawn away from a social unit without any serious consequences for the society. But it noted that a second contingent of 5% should not be taken away for a distance of more than two days' walk from home since this would result in "a breach in the regulation between the workers and their families." A further 15% could be recruited but only for work within the neighbourhood of the workers' homes. The Committee accepted that 25% of adult males could be recruited, and felt that this could be done without damage either to the generational reproduction or economic vitality of the societies concerned.³⁰

²⁹ Ibid.

³⁰ Ibid.

The second principle contained in the report was that recruited workers should be accompanied by their families. Apart from that, the Committee urged that the workers should be given free medical examination at the point of signing the contract and before starting work, in order to determine their fitness for the jobs they were due to undertake.

Finally, the committee recommended that the employers should pay travel expenses of the labourers recruited by them. In addition it required the employers to repatriate at their expense, all the workers physically incapacitated at the work place.

The Committee saw in the establishment of these international principles a set standard or code which would govern the practice of labour recruitment. Beyond this:

The Committee (was) of the opinion that the final object to be attained is the obtaining of workers by spontaneous offer of labour.

The committee believed this could be achieved through improvements in communication, and by the creation of public institutions for facilitating voluntary movement of labour rather than existing practice of recruitment.

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While the replies to the report from the colonial admin-

³¹ Ibid.

ministrators in West and East Africa accepted the principles contained in the report, the attitude of the colonial administration in Lesotho was completely negative. On the issue of setting a maximum limit to the number of men withdrawn from the territory, the administration advanced the following argument:

Recruiting has not yet reached a pitch that a maximum of the natives that should leave the country should be fixed. The quota fixed by the N.R.C., together with the standard of physique demanded, the vigilance of the Union Government to guard against swamping their labour markets by extra-union natives, the accessibility of the labour markets and the length of the contracts are all factors keeping recruiting figures well within the margin of safety.³³

Sturrock's view was quite contrary to the facts and figures not only of the number of Basotho recruited for work in the mines but also of the number of those who migrated for work in other sectors of the economy in South Africa. Between 1933 and 1936, the number of male Basotho recruited for mine labour increased from 57,600 to 78,600. The number of

³²C.O. 885/49 Confidential Print, Miscellaneous No.454.
Hereafter Miscellaneous.

³³D.O. 35/358/10369^A/18 J. Sturrock to Malcolm MacDonald (1901) Son of John Ramsey MacDonald, late British Prime Minister, Parliamentary Under-Secretary, Dominions Office (1931-35); Secretary of State, D.O. (1935-38); and Secretary of State, C.O. (1938-39) Minister of Health (1940-41); British High Commissioner in Canada (1941-46); Governor-General Malay, Singapore and Borneo (1946-48); High Commissioner in India (1955-60); (1963) Governor of Kenya and High Commissioner there from 1964-65.

women migrants also increased from under 15,000 to 23,000 in 1936. On top of that several thousand left the country for miscellaneous work and for visiting. The total number of emigrants represented well over 50% of the total de jure population.³⁴

The net social and economic impact of this was succinctly summarized by Sir Alan Pim in his classic document on the territory in 1935, which Sturrock would certainly have read in detail. In it Pim stated:

Home life has lost most of its old excitements and amusements...The effects of family life are unquestionably bad. Marital fidelity does not appear to have ever been a prominent Basuto characteristic but it appears to have seriously deteriorated as the result of the prolonged absences of the younger men.³⁵

But economically, it was the accepted view that since Lesotho lacked all the ingredients of a colonial economy - viewed in terms of mineral and agricultural resources - labour migration even to that extent was viewed as advantageous to the economy of Lesotho which was virtually in total dependence on such migration.³⁶

³⁴ Since 1911, it became the practice to distinguish between de facto population (those Basotho present at the time of census enumeration) and de jure population (those present as well as those recorded as absent members of the households.)

³⁵ Pim Report, op.cit. p.42.

³⁶ D.O. 35/480/21045, Minute by Tait dated 21st October, 1935.

Within this understanding therefore, the Committee of Experts on Native Labour's view that migration should be limited to 25% of the male population was rejected by Sturrock. In addition, the Committee's recommendation for the establishment of public institutions and the like, to work towards encouraging the flow of voluntary rather than recruited labour, was viewed as superfluous by the Resident Commissioner. In this context he asserted that recruitment of labour would continue to be "the normal method of obtaining labour" in Lesotho "for many years to come" since this was the most convenient and satisfactory means available for the mines in South Africa. So, it was not proper to destroy the system which, in his view operated smoothly.³⁷

Finally, the view that travel expenses of the recruited workers should be defrayed by the employers was simply rejected as impracticable in Lesotho. The Resident Commissioner noted in his letter that since such an arrangement would involve a change in the conditions existing under the South African migratory labour system, the administration had no power to alter the arrangement unilaterally.³⁸ Such a measure would necessitate a comprehensive agreement with South Africa.

³⁷ loc. cit.

³⁸ Ibid.

The views of the Resident Commissioner were accepted by the Dominions Office without reservation. H.N. Tait, an excessively cautious Dominions office clerk, pointed out in support of the administration's viewpoint that:

The position generally with regard to Basutoland is that we cannot afford to hamper the recruitment of Natives for the Union mines. Such recruitment is of vital economic importance to Basutoland and there is no reason to suppose that the present recruiting arrangements are in any way unsatisfactory.³⁹

While Tait's contention that labour migration had vital economic returns for Lesotho, he was certainly wrong in asserting that the recruiting arrangements were satisfactory. The Pim report, and the various statements by D.O. officials in public and private, which Tait certainly was aware of, all went to prove the damaging effects of the entire system of migratory labour on Lesotho and other areas. But Tait's statement seemed to have been made against the background that South Africa, the main employer of Basotho labour, would not go along with the principles set out in the Grey Report. The attitude adopted by South Africa to Report had been informally known in the D.O. by the end of 1935. So, Tait's view manifested a sensitivity of the Office to the possible conflict of interest with South Africa over the issue.

³⁹D.O. 35/574/F6171/1, Minute by Tait dated 15th February, 1936.

In 1936 when the International Labour Conference convened in Geneva to discuss the principles embodied in the Grey Report with a view to adopting a convention on labour recruiting, the opposition of South Africa to the Report dominated the conference. The opposition was centred on the proposition that the travel expenses of African workers were to be paid by the employers. In explaining his country's stand on the issue W. Brookes, the Employers delegate to the conference had this to say:

In South Africa, from time immemorial it has been the practice for the workers to pay their own costs of transportation to the place of employment, and wage rates have been established on this understanding.⁴⁰

This was the position taken by Gemmill, General Manager of the Chamber of Mines. He argued that if the industry had to pay travel expenses of the workers, the result would be either to lower the wages, or raise it by transferring the cost to employers. Either alternative, Gemmill argued, would lead to a serious threat to the existence of the industry.⁴¹

On the basis of these arguments, South Africa wanted article 20(1) amended so as to conform with her law

⁴⁰ C.O. 885/62 Miscellaneous No. 467, Records of Proceedings of the 24th Session of the International Labour Conference.

⁴¹ Ibid.

and practice.. The purposed amendment would add a permissive clause which read:

...the expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection, during the journey shall be borne by the recruiter or employer provided that where this requirement is not in accordance with local custom it may be waived by the competent authority if the authority is satisfied that the employers have in fixing wage rates made reasonable allowance for the expenses of the workers in connection with their journey.⁴²

This clause was carefully considered by the British delegate to the conference, R.N. Vernom (head of the General Department within the C.O.). He supported the amendment made by South Africa on the basis that it was made to cater for a "perfectly simple and well understood case."⁴³ He argued that the conference should rather not force South Africa to adhere to a provision that was contrary to her practice, but that they should use local pressure to influence her decision. The support that Vernon gave to the South African viewpoint was hardly enthusiastic. He had not, in all this, lost sight of the virtues of the principles laid down in the Grey Report. In his concluding remarks he regretfully expressed the view that: "a convention dealing with the recruitment of Native Labour not ratified or applied in the Union of South Africa

⁴² Ibid.

⁴³ C.O. 885/62, Miscellaneous, No.467.

appears not to be worth the paper on which it is written."⁴⁴

The International Labour Conference, however, rejected the amendment put forth by South Africa. Consequently, South Africa refused to adopt the "Recruiting of Indigenous Workers Convention No. 50 of 1936."

This had policy implications for Lesotho. Almost immediately the High Commissioner, William Clark informed Malcolm MacDonald, now Secretary of State for Dominions Affairs, that the recently adopted convention could not be applied to Lesotho. The tone of his letter, so reminiscent of Stanley's before him, stated that he could have accepted the convention only if the South African amendment had been adopted. But, he asserted:

...as it now stands it would be that article 24(1) which requires that a country shall satisfy itself that the workers would be protected in accordance with the convention when they have travelled beyond its jurisdiction, would be difficult of application in the case of the High Commission Territories.⁴⁵

Clark's statement could be interpreted to mean that as long as Lesotho was dependent on migration to South Africa, it

⁴⁴ Ibid.

⁴⁵ D.O. 35/358/10369A/38 William Clark to M. MacDonald letter dated 3rd November 1936. See also Minute by Corster, dated 26th November 1936 and Hibbert's, dated 27th November 1936..

would be impolitic, if not economically unwise to bring to task the existing system of migratory labour in South Africa. In essence, this meant that the administration could only effect changes which were acceptable to South Africa.

This is not by any means, an over-statement, especially when one views the decisions of the C.O. about its territories in Central Africa, which had similar links with South Africa. In this particular case, the South African employers did not enjoy such a strong relationship with the C.O. as they did with the D.O.. The C.O., which was mindful of the chill of exposure and criticism by the I.L.O., took a firm stand in regard to its Central African territories and indicated its willingness to adopt the convention on behalf of its territories. In this regard, it was prepared to bargain with South Africa over the controversial issue of payment of transport expenses of the workers recruited to labour in South Africa. In the negotiation which followed with the Gold Producers Committee in 1937, the C.O. scored a significant victory. The following year, the Rand mine-owners agreed to defray the cost of conveying labourers by rail to the Rand.⁴⁶ Thus the C.O. was cleared to ratify the I.L.O. convention without modification.

⁴⁶ C.O. 525/173/38/44053/3, Governor, Nyasa and to Ormsby Grove, dated 19th February, 1938. See also D.O. 35/574/E617/1/19.

The breakthrough achieved by the C.O. brought the South African decision not to pay travelling expenses of Basotho labourers into question almost immediately. In a patronizing letter to H.E. Priestman, government secretary to the High Commissioner, Gemmill pointed out that the same concession would now be made for the Basotho workers. But he noted that:

In order to avoid any misunderstanding I should make it clear that this decision to pay transport has nothing to do with the Geneva Convention, and has actually been in our minds for some years from the point of meeting the competition of other employers for labour.⁴⁷

The news was received in the Dominion's Office with excitement and warmth. Tait was particularly astonished by the decision. "We had not really expected as much as this,"⁴⁸ he remarked. This should have been the signal for the D.O. to press for more improvements in the labour conditions in Lesotho, which would have perhaps made it possible for the convention to be applied there. But nothing was done. Thus, in yet another way, the dominant position of South Africa prevented progressive ideas from taking root much to the detriment of the labourers in Lesotho.

⁴⁷ D.O. 35/574/F617/50 Gemmill to H.E. Priestman, letter dated 14th June 1938.

⁴⁸ Ibid. H.N. Tait to H.E. Priestman, letter dated 11 July 1938.

In the meantime, when discussions on labour recruiting were going on, the Committee of Experts moved a stage further and issued recommendations on contract labour which included a section proposing the abolition of penal sanctions. From the outset, the Colonial Office was unfavourably disposed towards considering this issue simultaneously with the recommendations on recruiting of labour. But the C.O. reluctance to take action received uncompromising opposition from the Anti-Slavery and Aborigines Protection Society (ASAPS). Constant prodding from ASAPS forced the C.O. and the D.O. to send the Committee of Experts' recommendation to the colonies and High Commission Territories, respectively. The circular despatch and a copy of ASAPS letter was sent with a strong hint that legislative action was necessary to effect the points contained in the enclosures.⁴⁹

But when the CLC convened in 1937 to decide on the stand to be adopted by the British government delegate towards the I.L.O.'s Grey Report on the "Regulation of Contracts of Employment of Indigenous Workers", it became apparent that so long as the clause relating to abolition of penal provisions prevailed, there would be no progress made

⁴⁹ D.O. 35/358/10369^A/18, Malcolm MacDonald to W. Clark, dated 1 November 1935. See also C.O. 323/1319/35/1763/6 Letter, Sir John Harris, Secretary ASAPS to Malcolm MacDonald, 12th June 1935.

at all.⁵⁰ On this understanding the C.L.C. pressed that the question of penal sanctions should be dropped from the Report. It suggested that the contentions issue of penal sanctions should be discussed as a separate issue, also requiring a convention of its own. The suggestion was accepted by the Committee of Experts on Native Labour and the issue was dropped.

This left the substance of the Report watered down to only four basic issues. First, was the subject of the length of verbal contracts which, according to the Report was to be limited to periods not exceeding six months. Secondly, the practice which made contracts binding on dependents was attacked as being a sign of slavery and should be abolished immediately. Thirdly, there was a call upon public officers to attest written contracts, copies of which were to be supplied to the workers in order to avoid cajolery and other forms of misrepresentation. Last, there was an important recommendation that:

Every worker serving under a contract required to be in writing who was brought to the place of employment by the employer or anyone acting on his behalf, and the worker's family if authorized to accompany him to the place of employment, to have the right to be repatriated to his place of employment or origin without expense to the worker.⁵¹

⁵⁰ C.O. 885/62 Miscellaneous No.467, C.L.C. Minutes 1931-41

⁵¹ Record of Proceedings International Labour Conference 24th Session, pp.535-655.

If the CLC was satisfied with these general principles of policy, the colonial administration in Lesotho thought otherwise. Richards, Resident Commissioner, pointed out that in effect, the principles contained in the Grey Report conformed to the practice in existence in Lesotho and that if any changes had to be made at all, it could only be made with full consent of South Africa where most Basotho contract workers were engaged. Richards added:

It will readily be understood, therefore, that adherence by this territory to any convention concerning contracts of employment of indigenous workers might, unless South Africa also adheres to the same convention, lead to complications and might result in a loss by a considerable proportion of the population of the Territory of their means of livelihood.⁵²

Richards was ploughing the same furrow; expressing the same attitude of mind which prevented the D.O. from critically examining the system of migratory labour which worked to the disadvantage of the wage labouring army of Lesotho. To say this does not make Richards an obnoxious commissioner; he was merely being faithful to traditional practice of not upsetting South Africa!

As expected, the South African authorities came out against the Grey Report. Two points were singled out as

⁵² D.O. 35/574/F617/31, Richards to D.O. Letter dated 28th February 1938.

being the most objectionable. The first was the provision which restricted the period of contracts to six months only. This was rejected because under the South African system verbal contracts were valid for periods of two years in Orange Free State and five years in the Cape of Good Hope.⁵³ The second point refused by South Africa was that which demanded the payment of repatriation expenses of time-expired labourers. In doing this, South Africa reverted to the old argument that "the payment of expenses by the employers was entirely contrary to their own system."⁵⁴

Once more, South Africa submitted an amendment to the clause dealing with the question of the employers taking responsibility for repatriation of workers. Just as Vernon had done in 1936, Calder, his successor, supported the South African case for a permissive exception to the payment of repatriation expenses. In fact Calder supported the amendment because it would be a compromising position amidst the divergent interests of the various colonial governments. Calder's lobby for support of the amendment paid off because in the end, the full conference accepted the amendment. As a result, a special paragraph was inserted into the draft convention as article 14(d).

⁵³ The validity of verbal contracts were stipulated by the various Masters and Servants ordinances of the various states in South Africa.

⁵⁴ D.O. 35/574/F617/31.

Yet even though the amendment was accepted, South Africa refused to adopt the convention. This course of action was not in the least surprising nor did it daunt policy makers in Lesotho. William Clark simply recommended to the D.O. that because of the recalcitrant spirit of South Africa, the convention could not be adopted in Lesotho. So he recommended that Lesotho's position should be reserved as for the application of the convention was concerned. The D.O. accepted this without comment.⁵⁵ Thus, the attempts to protect Basotho labourers from the exploitative nature of the migratory labour system ended in a complete failure.

At the conclusion of the Contracts Convention, the question of penal sanctions was re-opened. It will be recalled that this issue had raised significant differences of opinion both within the C.O. itself as well as among the governors of the dependent territories. This had been responsible for the lack of progress towards abolishing them. Furthermore, when the Committee of Experts insisted on developing an international code to eliminate sanctions altogether, there was a significant opposition from the C.O. which led to the clause relating to penal sanctions being dropped from the discussions on the "contracts of employment of indigenous workers."

⁵⁵D.O. 35/914/Y180/1/1A William Clark to D.O. letter dated 1938.

Yet throughout the period, there was significant pressure and criticism from within the British parliament and elsewhere, against the stalling tactics of the C.O., towards the abolition of the penal provisions from labour ordinances.⁵⁶ At the July 1938 meeting of the CLC Hibbert strongly argued that it had become increasingly difficult for the C.O. to justify the continuous use of penal sanctions for breaches of contracts while at the same time acknowledging that the practice was repugnant to "modern civilized practice."⁵⁷ Malcolm MacDonald supported Hibbert's argument noting that penalties, which were meted to workers in cases of brawling, use of vulgar language, drunkenness and the like should be reduced. In fact he pointed out that these offences provided "valid grounds for dismissal", but should not commit workers to imprisonment or fine.⁵⁸

Opposition to the abolition of penal sanctions first came from within the Colonial Office itself. Major St. J. Orde Browne, (formerly labour commissioner in Tanganyika and for the most part of the 1930's a member of the I.L.O.'s Committee of Experts on Native Labour and Labour Advisor to

⁵⁶ C.O. 323/1542/38/1763/11 Minute by Hibbert dated 30th July 1938.

⁵⁷ Ibid.

⁵⁸ C.O. 785/89 Circular despatch, Secretary of State to Governors dated 23rd August 1938.

the Secretary of State after 1938) wanted penal sanctions retained in the law of contracts. In his memorandum to the C.L.C. Orde Browne drew the attention of members to the cumbersome and dilatory nature of the civil procedure and pointed out that though penal sanctions existed they were in practice seldom used in the colonies.⁵⁹ Perhaps the best example of Browne's views on the issue is contained in his book, The African Labourer, where he contrasted the differences in attitude towards the value of contracts between African and European workers. He asserted that in the case of European worker there was a desire to retain his job "since the supply of labour is probably far in excess of the demand; the whole welfare of himself and his family depends on his continuous employment, and there is no doubt about his identity...he comes from a class that is used to industrial conditions and to compliance with the rules."⁶⁰ In contrast, the African worker was not in any way compelled by economic difficulties to work at any particular task and the great majority had access to land to which they would return after a short sojourn in the labour markets. He concluded:

⁵⁹ C.O. 323/142/38/1763/11 Memorandum by Orde Browne, dated 5th August, 1938.

⁶⁰ G. St. J. Orde Browne, The African Labourer (London: Frank Cass 1967) pp.81-83.

It thus follows that a system which works well in civilized circumstances breaks down seriously when applied to more primitive conditions.

So:

Thus arises the need for some means of resorting the criminal law to reinforce the inadequate civil remedy, and some provision of this nature will be found in every African code...⁶¹

However, according to the CLC, though difficulties existed in exacting civil law judgements for breaches of contracts, this "could not be accepted as sufficient reason for having recourse to penal law." The very idea of using penal law to enforce contracts, committee members argued, would have the effect of making workers become adverse to labour and their viewing contracts as instruments of oppression. On the employers side, the use of penal law gave them an opportunity to become neglectful of the conditions under which their labour was deployed. In this respect therefore, the CLC stood by its decision to have penal sanctions abolished from the labour ordinances in the colonies.

Secondly, the C.O.'s pressure to abolish penal sanctions faced strong opposition from the colonial governors. The

⁶¹Ibid.

Kenyan colonial government in particular, rejected the idea even of having the sanctions "progressively" removed from the laws. The Ugandan and Nyasaland administrations agreed that ultimately sanctions would have to be abolished, but insisted that the process should be gradual.⁶² Richards, Resident Commissioner in Lesotho, repeated the line followed by the colonial administration throughout the 1930's that abolition of penal sanctions in Basutoland would not be meaningful since it would not "prevent the prosecution of the worker if he is apprehended before he leaves the Union" and that it would be worthless "unless the Union Government ammended its laws relating to the employment of African workers."⁶³ This was what South Africa was not prepared to do. According to Gemmill, the chief of the Transvaal Chamber of Mines, penal sanctions were the "only matter of great importance to the mining industry" and to delete them, he argued, would lead to "serious opposition by the government, farmers and all employers in South Africa."⁶⁴ In reference to Basotho labourers working in South Africa, Gemmill pointed out that so long as they continued to work in South Africa,

⁶²Op.cit.

⁶³D.O. 35/574/F617/13 J.C. Richards to the D.O.

⁶⁴Ibid. Gemmill to Wellbeloved, letter No.T52717, dated 19th November, 1938. See also Circular letter No. 321/37 Gold Producers Committee to the I.L.O. 1938.

they would be subjected to the laws of that country which contained several forms of penal provisions.

The attitude of the colonial governors significantly affected the position adopted by the C.O. towards the penal sanctions provisions. The C.L.C. was particularly constrained in its attempt to make a strong case in favour of abolition to the I.L.O. Consequently, MacDonald was prompted to recommend that the British delegate to the International Labour Conference:

...should make it quite clear that such sanctions could not be abolished immediately in the Colonial Empire, and could not be eliminated for a considerable time in the African dependencies.⁶⁵

Quite clearly, this dilatory action showed the extent to which the C.O. and D.O. were constrained in their policy formulation by the decisions of the "man on the spot."

Yet, the fact that Britain did not abandon her commitment to abolish penal sanctions eventually, left a flicker of hope to the colonial workers. The Belgian, French and South African governments on the other hand, were strongly opposed to any convention on penal sanctions being adopted at all. The decisions of these governments strongly influenced

⁶⁵C.O. 323/1542/38/1763/11, Minute dated 21st December, 1938.

the draft convention produced by the I.L.O. and published in the 1939 Blue Report.

The report, which contained the observations of the premier governments and the draft convention was so watered down much to the disappointment of those who wanted the issue summarily dealt with once and for all. Hibbert wrote with regret that:

The "Blue Report" recently issued by the I.L.O. shows that ambitious proposals of the I.L.O. for an International Convention relating to penal sanctions have been boiled down to a mere skeleton, owing to the adverse comments made by several important Governments.⁶⁶

The draft convention now called for the abolition of sanctions relating to offenses such as drunkenness, use of vulgar language, disobedience and the like, "progressively and as soon as possible." Another important point contained in the report related to the abolition of penal sanctions attached to contracts of employment of juveniles.

In 1939 the International Labour Conference adopted the Penal Sanctions Convention No.65 of 1939.

However, the outbreak of the Second World War in 1939 and the confusion that followed placed the future of both the

⁶⁶ Ibid. Minute by Hibbert dated 18th May, 1939.

League of Nations and the I.L.O. into the melting pot.

This meant that the obligations of the powers to ratify the Penal Sanctions Convention were seriously in doubt.

Yet, in spite of this, the exigencies of the placed upon the C.O. far greater responsibility to bring about changes in the conditions of colonial workers. Quite clearly, the experiences of labour unrest in the West Indies, Northern Rhodesia, Mauritius, Kenya and elsewhere had shown the dangers arising from failure to implement labour policies advocated by either the colonial office or the I.L.O.⁶⁸ The C.O. had to embark on a completely new phase of policy and this demanded a radical departure from the policy of relying on the views of the "man on the spot."⁶⁹ In this respect, the passing of the Colonial Development and Welfare Act in 1940 highlighted the change in policy. The main objective of the law was for Britain to provide finance for approved schemes and projects which would improve the socio-economic conditions of the colonial dependencies. The Act also included specific clauses requiring that any territory applying for assistance funds had to satisfy the Secretary of State that the works for which funds were required would

⁶⁸ For details see (CMD 6656) West India Royal Commission, 1938-39 (HMSO, 1940) passim.

⁶⁹ Andrew Cohen, British Policy in a Changing Africa, (Northwestern University, 1960) passim.

promote the resources and welfare of the people concerned. The Act also stipulated that the colonial governments were to put into effect legislation authorizing the activity of trade unions. According to Roberts, these provisions of the Act "gave the Colonial Office almost its real power to coerce colonial governments into carrying out the labour policies it was recommending, since almost every territory was anxious to receive financial assistance from the United Kingdom."⁷⁰

It was against this background that High Commissioner, Lord Harlech (formerly William Ormsby-Gore), immediately introduced changes in the labour law of Lesotho. The new Basutoland Native Labour Proclamation No.5 of 1942⁷¹ went as far as was necessary and practical to improve contractual terms for the employment of Basotho labourers in South Africa. In a wider perspective, the law was based on the International Labour Conventions covering the recruitment and regulation of contracts of employment of indigenous workers to which the British government was signatory. This legislation enabled the colonial administration to mitigate

⁷⁰ B.C. Roberts, Labour in the Topical Territories of the Commonwealth (Duke University Press, 1964) p.188.

⁷¹ See appendix I.

the possible effects of the withdrawal of too high a proportion of able-bodied males from the territory and to prevent the use of chiefs and their henchmen to bring pressure on prospective labourers to migrate. Furthermore, the law prescribed rules regarding medical examination, transportation of labourers to and from work at the employers' expense and the like. Thus, it can be stated that the law provided guidelines for a comprehensive labour policy.

But this would have been a policy designed only on paper. In practice, such a policy would have required the co-operation of South Africa. Thus, Lord Harlech began a concerted effort to find avenues of bringing pressure on South Africa to institute reforms in the conditions of work and wages of African workers. The timing seemed right for Harlech's move for at about the same time the South African authorities had appointed a commission to enquire and report on the Remuneration and Conditions of Employment of Natives on the Rand.⁷²

Lord Harlech took advantage of the presence of the commission to present the new policy in Lesotho. In a lengthy memorandum to the commission which gave full account of the labour situation made the following important

⁷²D.O. 35/1178/Y847/1/2 This commission was headed by Justice Landsdown.

recommendations. First, he recommended that Basotho labourers should be paid better wages. In this respect Harlech wrote:

...There is today a real grievances amongst the natives of the High Commission Territories that the rates of wages are inadequate, and the feeling is fast gaining ground amongst them that the rates do not admit of increases in pay for efficient or more skilled work....the time has come when a scientific differentiation is the rates of wages paid for the various classes of unskilled work on the Mines should be introduced.⁷³

This recommendation directly challenged the traditional belief that the wages African workers earned were used only to subvent their subsistence from agricultural production. Harlech pointed out that this policy of paying an uneconomic wage under the pretext that Africans relied on the productive capacities of their land, was directly responsible for retardation of development in the Territories. He maintained that such a policy was likely to breed "disatisfaction and unrest".⁷⁴

The second recommendation concerned the all important question of recognition of the need for African trade union movements. Harlech was of the view that the unions would provide a machinery for Africans to represent their grievances. Failure to recognize this need only promoted underground movements and possibilities of instability in the industry.

⁷³ Ibid.

⁷⁴ Ibid.

The need for the creation of labour unions, Harlech noted, was now British policy in all the African dependencies.

Thirdly, Lord Harlech deplored the continuous use of the compound system, which systematically encouraged, the separation of men and their wives. Apart from the fact that this had a tendency to encourage sodomy among the inmates themselves, it had given rise to a large scale emigration of African women to the Rand in search of their loved ones. The number of Basotho women who had emigrated in this way was estimated at 20,30,000 by 1942. As Chaplin described them:

Their intention is to stay for a month or two, but on their arrival here the greatest difficulty is experienced in finding them accommodation and the husbands usually ends up by renting a small room in an uncontrolled area. ...and because of the high cost of living and the inordinately high rent she will very likely have to supplement her husband's wages by illicit means.⁷⁵

Harlech called upon the Rand mine-owners to show some degree of morality by providing at least a number of "one-roomed rondavels for temporary occupation by the wives of men from the rural areas who were on visits to their husbands."⁷⁶

⁷⁵ D.O. 35/1178/4847/1/1 Chaplin to Lord Harlech, report dated No.153, 1942.

⁷⁶ Ibid.

Yet, the mass emigration of women and their plight on the Rand was only a symptom of two related factors. First, it was a result of domestic economic pressures; women were driven away by poverty at home to seek ways of earning a livelihood together with their men-folk on the Rand. Secondly, perhaps significantly, migration women reflected the nature of administrative policy, which created a situation of dependence by Basotho on the Rand. In his conception, Chaplin saw the problem as arising from the fact that the colonial administration had given no "sufficient thought to questions dealing with labour emigration". He intimated:

I consider that we should not delay any longer in giving very careful consideration to this important matter, for it is only by controlling the labour that we can hope to control the movements of women.⁷⁷

These views marked a significant departure from the old policy and it can be argued that it reflected an attempt to introduce the new and more progressive policy pursued by the British government. But suggestions of this nature were rejected by South Africa. For instance, the recommendation of the Inter-Departmental Committee on the Social, Health and Economic conditions of Urban Native workers, excluded the mining industry from those industries where African trade unions would be recognized.⁷⁸ Since the mining industry was

⁷⁷ Ibid.

⁷⁸ Ibid.

the chief employer of African workers, this indicated that "winds of change" initiated by Harlech were not filling many sails in South Africa. Lord Harlech explained why:

The great dependence...on revenue from the mines is an ever-present factor in determining government policy in relation to the costs of getting gold, and any action by workers which might decrease the output of gold would seriously affect the Union's budgetary position...I am therefore not hopeful that any new or more progressive policy in these matters can be inaugurated.⁷⁹

Harlech was therefore, painfully aware of the realities of the problem. In this light his policy initiative could be looked at purely as an attempt to "put new wine in an old skin bag." Nearly half a century of dependence of Basotho labourers on the gold mines had become the irreversible pattern of their lives. But more specifically dependence on the labour market had become the corner-stone of Lesotho's economy. As late as 1958 a colonial official could write:

It will be idle to suppose that the land can ever support the whole working population of Basutoland and we must strive to maintain as many Basuto as possible in employment in the Union in so far as alternative sources of non-agricultural employment cannot be created for them in the territory itself.⁸⁰

⁷⁹ D.O. 35/1178/4847/2 Lord Harlech to C.R. Attlee, D.O. Confidential letter dated 15th February, 1943.

⁸⁰ Confidential Memorandum on the Financial Position of Basutoland, presented to the Economic Survey Mission, Maseru dated 17th October, 1958, p.13.

Labour migration, therefore, remained an irreversible pattern of Basotho life for a long time to come.

The opening of the 1930's experienced a significant interest in labour matters as part of British overseas colonial policy. It was the Labour Government of 1929-31 which initiated this policy. Under it an important inter-departmental Committee was created to review various colonial labour ordinances with the goal of liberalizing them. But hardly any positive gains had been made when the Government crashed in 1931. The Colonial Labour Committee, however survived and carried through into the National Government the obligations started under Labour. But the conservatism of the Government led to half-hearted consideration of labour issues which it believed properly belonged to the hands of the colonial administrations. However, the Government was subjected to constant prodding both from within Britain and by the I.L.O. which had by now taken a significant interest in indigenous labour. Britain's obligations to the body meant it could not ignore the I.L.O.'s concerns. Yet, in its approach to the issues brought forward by the organization, Britain took into consideration the peculiarities pertaining to the various dependent territories and discharged her obligations according to the divergences. With respect to Lesotho, Britain's policy was constrained by two important factors. First, politically, the prospect of future transfer of the

territory to South Africa meant that she could not embark on a policy which was contrary to that of South Africa. Secondly the fact that Lesotho was dependent on earnings from migrant labour made it imperative for Britain to maintain the status quo.

CHAPTER VI

CONCLUSIONS

By the end of the 19th century, Basotho had become irreversibly integrated into the South African economic system as a supplier of unskilled labour. The physical oscillation of Basotho labour does not seem to have been discouraged by the British colonial administration, given the fact that it so freely issued passes (travel documents) to those travelling to labour in South Africa. Beyond that, there existed neither a policy nor superstructure to control these movements of labour.

However, between 1900 and 1910, the time when a cluster of British polities, Afrikaner Republics and African protectorates were enmeshed into a single political economy, a consistent policy towards migrant labour evolved which affected all the African communities within the new state super-structure. The labour policy that emerged related to the commitment of the Milner regime towards a rapid exploitation of the gold mines, considered as a prerequisite to large-scale capitalist development capable of promoting and sustaining larger imperial aims.

The pressing needs of the mining industry required the state not only to create a labour force but also to create measures to control the labour force already in the employ of the mines. To that end, the measures taken by the Milner regime sometimes involved rigorous application of existing laws or the introduction of new control instruments. For instance, as Alan Jeeves noted "the pass department was re-organized and expanded, inspectors appointed; and a fingerprinting branch" created to detect deserters.

While these were changes which took place directly at the work place, in the peripheral areas, such as Lesotho, the administrators were made responsible for promoting the growth of mine labour. This, involved the imposition of control over competitive labour recruiting through the licensing of labour recruiters. Secondly, the Witwatersrand Native Labour Association was given facilities to procure labour and funnel it to the Rand.

But empirical data shows that the Basotho and the rest of African migrants shunned the gold mines for two basic reasons. First, the wage rates at the mines, which were determined by collusion of the employers, were low in relation to wages offered elsewhere. Secondly, the very poor living conditions which led to horrendous mortality among the African labourers were enough to induce large-scale work desertions

and to keep prospective labourers away from the mines. Though the Milner regime, afraid of reproach from the Home Government, insisted on improvements in mine compounds, it did not force any other changes that could have wrested Africans from the coercion and exploitation to which they had become heavily subjected. For this reason, the Basotho and African migrants in general needed to be subjected to real economic pressures to force them to seek labour in the mines.

In the meantime, the colonial administration became further involved in the recruiting process by issuing the Basutoland Native Labour Proclamation No. 27 of 1907, which constituted the first legal instrument of labour control in Lesotho. It is not clear what prompted this action but it would appear that the law was issued at the behest of the WNLA which was intended on ending the cut-throat competition and anarchy prevalent in the labour market. This proclamation had two important elements. On the one hand, it had an element of control and the other, an element of coercion. What must be emphasized here is the fact that the Basotho became subject to criminal prosecution and heavy penalties for breaches of labour contracts. This enhanced the exploitative policy of the mining capitalists at the expense of the interests of Basotho migrants.

But this was only one of the new circumstances that had emerged in the labour market. Another was the rise in influence

of the white labour force with its racial prejudice and discrimination against Africans. This frame of mind, which was solidified by the plight of the poor white sparked off a movement that strove to prevent African labour from achieving occupational mobility and to restrict Africans to the lower grades of mining work. In contrast to this the mining magnates, by reason of the tractability and ultra-cheapness of African labour were inclined towards its extensive use in the mining industry. This apparent existence of conflicting cleavages of interests in the mining industry made the situation very explosive.

The appointment of the Mining Industry Commission in 1908 was an attempt on the part of the self-governing Transvaal to come up with a comprehensive labour policy for the mines. The commission turned in to reports, the contents of which clearly showed the extent of pre-occupation with the problems of white labour and the lack of concerted interest in the plight of the African labour force. The attitude of the Botha-Smuts government towards the reports seemed cool if not indifferent. Thus by 1910, the attempts by white labour to use statepower to further its interests were apparently unsuccessful.

But the achievement of a political union in 1911, the guarantees of which were predominantly for whites, brought the state face to face with the demands of white labour once

more. It became a popular view that white labour had to be appeased least it would use the strike weapon to achieve its demands. To this end, the regulations appearing under the Mines and Works Act enshrined into the law books of the state the principle of job discrimination by reserving certain categories of work for white labourers only. This meant that African workers were now prevented by law from occupying responsible positions in industry and from engaging in better paid jobs. If this measure sealed the economic prospects for African workers, another state measure, the Native Labour Regulation Act, which consolidated the laws relating to the recruitment and employment of African workers, significantly shut the doors against them by subjecting them to criminal penalties for breach of contract and by preventing them from organizing in defence of their interests through strike action.

These developments in South Africa affected the political and socio-economic status of Lesotho in many ways. Politically, by the Schedule to the Act of Union, the political future of Lesotho (with Bechuanaland and Swaziland) became linked to South Africa. This hope of eventual transfer of Lesotho into South Africa produced a formal tripartite form of relationship. At the higher level, Britain, which made decisions about Lesotho, shared with South Africa substantial economic interests. Lesotho on the other hand, by reason of geography and by virtue of its weak economic position was inextricably tied to South

Africa. At the local level, the British High Commissioner in South Africa was also the chief executive administrator of Lesotho (as well as Bechuanaland and Swaziland). The impact of this triangular form of relationship on policy decisions in Lesotho was, in many respects negative. Henry Harold noted this point when he argued that:

To the extent that diplomacy is used to influence economic matters we expect British diplomacy to support the large British investments and export interests... (and) it is clear that in all those situations where British, South African, and Basutoland (socio-)economic interests are an issue, and where they tend to be in conflict, and where diplomacy is an influence to be used in determining the outcome, Basutoland is at a disadvantage.¹

Developments in the subsequent years were to prove the validity of this statement.

We have noted that the transformation of Lesotho into a model labour reserve rapidly took place in the period after 1912. This process of transformation was carried out with full government support of those socio-economic and political institutions which helped to put a ceiling on the earning capacity of the Basotho migrants in South Africa. Meanwhile in Lesotho, through selective infrastructural development and low scale economic involvement in the internal economy, the administration created conditions under which the Basotho had had to sell their labour to survive even at a level below

¹ H. Harold H. George, The Basutoland Economy, p. 244.

subsistence. As for the colonial administration, as long as tax revenue were successfully extracted from the migrants to finance the ludicrously extensive administrative bureaucracy, the country was left to pursue its course.

By 1930 the country had become in absolute terms economically backward. The coincidence of the depression and the serious drought which struck in the early years of the 1930's brought insurmountable suffering that forced many Basotho into South Africa in search of a livelihood. The plight of the Basotho exposed the negative economic policy pursued by the British Colonial administration and flung the doors open for criticisms of Britain's policy in the territory.

These criticisms, emanating from within the British parliament and other quarters resulted into the appointment of a commission headed by Sir Alan Pim, who exposed the serious economic problems of Lesotho. The Pim report was a classic documentation of rural indigency in Lesotho and explicitly recommended immediate action by the British government. Sir Alan's report particularly smacked the D.O. officials in the eye and in attempt to cover the chill of exposure, the officials blamed the failure on the dubious political future of the territory.

Coincidentally, this was also the time when South Africa

re-opened the question of transfer with threats of economic strangulation of Lesotho. The stir which this caused led to a re-affirmation of the official assurances that transfer would not occur without the consent of the inhabitants. But it also led to an agreement between Britain and South Africa over a joint financial sponsorship of development programmes in all the territories. The object of this policy of economic co-operation was double-edged. Whereas from Britain's standpoint the objective of the policy was to create conditions under which the protectorates would remain agriculturally self-supporting, South Africa was directly buying goodwill which would dispose the Africans in the territories towards transfer. The response to the policy was negative in all the territories because Africans suspected that acceptance of South African money was tantamount to committing themselves to transfer. For all practical purposes, the refusal of the grant meant that the Basotho and the others were prepared to migrate to labour in South Africa but would under no circumstances accept to be incorporated politically.

But if the proposed incorporation prejudiced any concern for economic development in Lesotho, it also proved an obstacle when Britain embarked on a new colonial labour policy after 1930. The essence of the new policy was to bring about reforms in the antiquated colonial labour ordinances and make them less repressive and coercive. In so far as Lesotho was

concerned, these liberal ideas did not take root because of the constant reference to the point that it would be prejudicial to the country's economic interest to institute a labour policy that departed from that of South Africa, which dominated the territory economically. Similarly, the attempts made to apply the I.L.O.'s convention relating to labour recruiting and employment in non-metropolitan countries produced no positive results for Lesotho because of the view held at the time, that it would be useless to apply any conventions unless South Africa adhered to the same codes. As it turned out, South Africa remained opposed to the key conventions that would have significantly altered the laws and practices pertaining to the regulation and control of migrant labour. The combination of South African recalcitrance and opposition to change and the inactivity of the imperial and the colonial administration respectively, compounded the position of Lesotho as a reservoir for a cheap and tractable labour force. Thus, even after many years of independence, the mountain Kingdom of Lesotho has found it impossible to alter its status as a cheap pool of labour for South African mines, farms and industry. To suggest that Lesotho's future lies with the liberation of South Africa is only a remote contingency that opens up new fields for speculation.

APPENDIX 1

BASUTOLAND

No. 5 of 1942

(Promulgated 23rd January, 1942.)

PROCLAMATION

By His Excellency The High Commissioner

Entitled the Basutoland Native Labour Proclamation,

1942

Whereas it is expedient to amend and consolidate the law relating to the recruitment and contracts of employment of native workers in Basutoland, hereinafter referred to as "the Territory":

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows: -

1. In this Proclamation, unless the context otherwise requires -

"employer" includes any public authority, individual, company or association, whether non-indigenous or indigenous;

"labour agent" means any person who shall himself or through runners or messengers, in his own name or otherwise, engage in recruiting, but does not include, a native employed by a licensed labour agent as a runner or messenger under the authority of such a permit as is hereinafter mentioned;

"native" means any aboriginal native belonging to any tribe of Africa, and includes persons of mixed race living as members of any native community in the Territory;

"non-adult" means a person under the apparent age of eighteen years;

"prescribed" means prescribed by Regulations, under section forty-one;

"recruiting" includes all operations undertaken with the object of obtaining or supplying the labour of natives who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the Resident Commissioner or some other officer authorised thereto;

"worker" means any native worker.

CHAPTER I.

RECRUITING

2. Proclamations Nos. 27 of 1907, 43 of 1907, 48 of 1912, 24 of 1927 and 60 of 1939 are hereby repealed:

Provided, however, that such repeal shall be without prejudice to any act done under any of the said Proclamations, and shall not affect any proceeding pending under any of the said Proclamations at the date of the commencement of this Proclamation or any penalty which under any of the said proceeding; and any licence or permit duly granted under any of the said Proclamations shall remain of full force and effect for the period for which it was issued, unless the same shall be cancelled under the provisions of this Proclamation.

3. The following classes of recruiting are exempted from the provisions of this Chapter; -

- (a) Operations undertaken to recruit natives for employment within the Territory by or on behalf of employers who do not employ more than fifty natives;
- (b) operations for the engagement of personal and domestic servants and of non-manual workers for work within the Territory;
- (c) operations undertaken under sections eight and nine of the Basutoland Native Administration Proclamation, 1938.

4. (1) Public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited workers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

(2) Chiefs or Headmen of any native tribe shall not -

- (a) act as labour agents or runners;
- (b) exercise pressure upon possible recruits;
or
- (c) receive from any source whatsoever any special remuneration or other special inducement for assistance in recruiting.

5. No person shall act as a labour agent within the Territory unless he is the holder of a current licence for that purpose, issued to him by the Resident Commissioner or by some officer duly authorised by the Resident Commissioner to issue such licences. Such licences shall be in such form as the Resident Commissioner may from time to time prescribe and shall not be transferable. Every such licence shall be for a period not exceeding one year, and shall expire on the thirty-first day of December in the year for which it is granted and shall be valid for the district or sub-district of issue only, and the amount payable for every such licence shall be the sum of twenty-five pounds:

Provided that for licences issued after the first day of July in any year one-half only of such amount shall be payable.

6. Every labour agent's licence shall be issued subject to such limitations and qualifications, in respect of the numbers of native labourers to be recruited, or otherwise, as shall appear on the face of such licence, and a licensed labour agent shall not act as a labour agent otherwise than in the manner authorised by his licence and in accordance with the limitations thereby imposed.

7. (1) Every licensed labour agent may employ one or more natives as runners or messengers to procure, ply or seek for, engage or collect on his behalf native labourers to be employed or engaged in work or labour of any kind. No such runner or messenger shall be employed unless such labour agent has, in writing, made application for, and has obtained from the Resident Commissioner or other authorized officer, a permit for each runner or messenger authorising such employment. The amount payable for such permit shall be twenty shillings for each year or portion of a year ending on the thirty-first day of December:

Provided that for permits issued on or after the first day of July in any year one-half of such amount shall be payable:

Provided further that any such permit shall only authorise the employment of such runner or messenger within the district or sub-district in which such permit is issued and for so long as the licence held by the labour agent, at whose request such permit is issued, is in force or until such labour agent shall, during the currency of his licence, deliver such permit to the Resident Commissioner or other authorised officer who issued it together with an application in writing for its cancellation.

(2) The Resident Commissioner or other authorised officer may at any time cancel any permit issued under the provisions of sub-section (1) if the runner or messenger referred to in such permit shall, in the opinion of the Resident Commissioner or other authorized officer, have been guilty of misconduct rendering it undesirable that he should continue to be employed as a runner or messenger, or if for any reason the Resident Commissioner or other authorised officer shall so think fit; and any permit so cancelled shall be forthwith delivered up to the officer demanding the same.

8. Any person procuring, plying or seeking for, engaging or collecting native labourers to be employed in work or labour of any kind on behalf of any labour agent without being authorised so to act by such a permit as is in the last preceding section mentioned shall for the purpose of this Proclamation be deemed and taken to be exercising the calling of a labour agent as defined in section one of this Proclamation.

9. For the purpose of this Proclamation any representations made or any act or thing done in connection with the procuring, plying or seeking for, engaging or collecting of native labourers to be employed in any kind of labour or work by any runner or messenger whose employment is authorized by such a permit as is in section seven of this Proclamation mentioned shall be deemed to have been made or done by the labour agent at whose request such permit was issued to such runner or messenger, and such labour agent shall be liable to any penalty provided by this Proclamation in respect of the making of any such representation or the doing of any such act or thing.

Provided always that any permit authorising the employment of such person as runner or messenger shall upon conviction of such labour agent ipso facto become void and shall be delivered up for cancellation.

10. Every application for a labour agent's licence or for the renewal thereof shall be accompanied by a statement in writing signed by the proposed employer giving the following particulars:—

- (a) The name and address of the employer or employers for whom it is proposed to procure native labourers;
- (b) the nature of the proposed employment;
- (c) the rate of wages at which the native labourers are to be engaged;
- (d) any further particulars as to the proposed terms of service which the officer issuing the licence may demand.

11. No licensed labour agent shall attempt to procure native labourers within any district of the Territory until he has deposited with the District Commissioner of such district a copy of the statement upon which his licence was granted or renewed.

12. The issue or renewal of any licence may be refused by the Resident Commissioner or any officer authorised to issue licences without any reason being given for such refusal.

13. (1) Before issuing any licence to a labour agent and before renewing any such licence the Resident Commissioner or officer duly authorised by the Resident Commissioner to issue such licence shall -

- (a) satisfy himself that the applicant for a licence is a resident of the Territory and is a fit and proper person;
- (b) require the applicant for a licence to furnish financial or other approved security for proper conduct as a license to the extent of one hundred pounds, and such security shall be kept up to the full value of one hundred pounds as long as the applicant remains licensed;
- (c) require the applicant for a licence, if an employer, to furnish financial or other security for the payment of wages due;
- (d) satisfy himself that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited and for their protection in accordance with the provisions of Chapter II of this Proclamation.

(2) Licenses shall keep, in such form as the Resident Commissioner may prescribe, records from which the regularity of every recruiting operation can be verified and every recruited worker can be identified.

(3) A licensee shall wherever possible receive a fixed salary, and in any case in which he receives remuneration calculated at a rate per head of workers recruited such remuneration shall not exceed a maximum to be prescribed by the Resident Commissioner.

14. (1) It shall be lawful for the Resident Commissioner to cancel any labour agent's licence issued under this Proclamation if it is proved to his satisfaction that the person holding such licence has-

- (a) failed to furnish financial or other approved security to the extent of one hundre pounds when called upon to do so under the provisions of sub-section (1) (b) of the last preceding section or to keep the same up to the full value;
- (b) been guilty of any misconduct which in the opinion of the Resident Commissioner renders it undesirable that he should be allowed to continue to carry on the calling of a labour agent under the provisions of this Proclamation:

Provided always that such cancellation shall not take effect until the same shall have been notified either to the labour agent himself personally or by the exhibition of a notice thereof publicly at the Resident Commissioner's office during seven consecutive days.

(2) Any person holding a labour agent's licence which shall have been cancelled under the last preceding sub-section shall, upon demand of the Resident Commissioner or of any District Commissioner or Police Office, deliver up such licence together with any permits for runners or messengers still in force, which may have been issued on his application, to the officer demanding the same.

(3) In case of the cancellation of a licence as in this section provided or in case any licence shall not be renewed but shall be returned, the financial or other approved security shall be delivered back on application after the expiration of three months from the date of such cancellation or return.

15. It shall be lawful for any District Commissioner or Police Officer or any other person authorised thereto in writing by the Resident Commissioner at any time to demand the production by any person exercising the calling of a labour agent or of a runner or messenger employed by a licensed labour agent, of his licence or permit, as the case may be, and every such person shall upon such demand produce such licence or permit for the inspection of the officer demanding the same.

16. If any native who has been induced to enter into an agreement with a labour agent for service shall sue such labour agent or his employers in any competent court within the Territory, and shall recover any sum, whether in satisfaction of debt or by way of damages or costs, or if any labour agent shall fail to pay or satisfy any fine imposed upon him under the provisions of this Proclamation, the said security in terms of section thirteen, or such portion thereof as may be sufficient, shall be applied in satisfaction of the

judgement of such court or such fine, and thereupon such labour agent shall renew the security so that the same shall be kept up to the full value thereof as provided in section thirteen of this Proclamation.

17. No person shall by any representation as to terms or conditions of employment which he knows to be false, or by any promise as to terms or conditions of employment which he knows himself to be unable to fulfil or has no intention of fulfilling, induce or attempt to induce any native to work or labour.

18. No person shall directly or indirectly, either by himself or by an agent, by any means cause, induce or persuade or attempt to cause, induce or persuade any native servant to leave his employer's service in violation of any agreement of service.

19. It shall be lawful for any officer authorised to issue labour agents' licences and permits for runners or messengers to issue a licence and permits without the payment of any fees to any labour agent who may be employed to recruit exclusively for the service of the Government of Southern Rhodesia, Northern Rhodesia, the Union of South Africa, or any British Colony or Territory in South Africa, but any such labour agent shall in all other respects be subject to the provisions of this Proclamation.

20. (1) Where the circumstances make the adoption of such policy practicable and necessary, the Resident Commissioner shall, in order to safeguard the population concerned against any untoward consequences of the withdrawal of adult males, fix the maximum number of adult males who may be recruited in any district in such manner that the number of adult males remaining in the said district does not fall below a prescribed percentage of the normal proportion of adult males to women and children.

(2) Where the circumstances make the adoption of such a policy practicable and desirable the Resident Commissioner may make it a condition of permitting recruiting that the recruited workers shall be grouped at the place of their employment under suitable ethnical conditions.

CHAPTER II

CONTRACTS OF EMPLOYMENT

21. (1) This Chapter applies to contracts of employment by which a native enters the service of an employer as a manual worker for remuneration in cash or in any form whatsoever.

(2) The following classes of employment are exempted from the application of this Chapter:—

- (a) Employment of labour within the Territory by or on behalf of indigenous employers who do not employ more than fifty natives;
- (b) employment of personal and domestic servants and of non-manual workers for work within the Territory;
- (c) employment within the Territory under which the only or principal remuneration granted to the native is the occupancy or use of land belonging to his employer;
- (d) apprenticeship.

22. Every contract which

- (a) is made for a period of or exceeding six months or a number of working days equivalent to six months, or
- (b) stipulates conditions of employment which differ materially from those customary in the district of employment for similar work;

shall be in writing.

23. (1) Every labour agent who engages or procures any native for any employment and for any period whatsoever and every employer who engages or procures any native for employment under conditions falling within the scope of the preceding section shall bring such native before a District Commissioner, Assistant District Commissioner, Police Officer or other official appointed for the purpose by the Resident Commissioner, in order that he may sign in the presence of such official a form of contract containing the particulars set out in sub-section (2) of this section, and any such other particulars as to the terms of his employment, as the Resident Commissioner may from time to time prescribe.

(2) The particulars to be contained in the contract shall in all cases include —

- (a) the name of the employer or group of employers and, where practicable, of the undertaking and of the place of employment;

- (b) the name of the native, the place of engagement and if possible his place of origin, and any other particulars necessary for his identification;
- (c) the nature of the employment;
- (d) the duration of the employment and the method of calculating this duration;
- (e) the rate of wages and the method of calculation thereof, the manner and periodicity of payment of wages, the advances of wages, if any, and the manner of repayment of any such advances;
- (f) the conditions of repatriation; and
- (g) any special conditions of the contract.

(3) It shall be the duty of any such official to satisfy himself before any such contract is signed in his presence by a native that the terms thereof have been fully understood by such native, that the provisions of this Proclamation have been observed, and in particular that the native has not been subjected to coercion or undue influence or recruited by misrepresentations or mistake, and is not bound by any previous engagement.

(4) A copy of each contract executed shall be deposited with the attesting officer.

(5) Recruited natives shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in the Territory for employment, in a territory under a different administration, at latest at the place of departure from the Territory.

(6) Upon every such contract as is referred to in subsection (1) of this section there shall be paid by the labour agent a fee of two shillings in respect of each native indentured. Such fee shall be paid by affixing to the said contract a revenue stamp or stamps to that amount which shall be cancelled by the attesting officer.

(7) A contract which such officer has refused to attest shall have no further validity.

(8) The maximum period of service that may be stipulated in any contract shall be the period of one year, and the maximum period that may be stipulated in any re-engagement contract made on the expiry of a contract shall be nine months;

Provided that where the period of service to be stipulated in any re-engagement contract, together with the period already served under the expired contract, involves the separation of any native from his family for more than eighteen months, the native shall not being the service stipulated

in the re-engagement contract until he has had the opportunity to return home at the employer's expense;

Provided, however, that the Resident Commissioner may grant exemption from this provision whenever its application is impracticable or undesirable.

(9) Every labour agent shall prepare, fill in, and sign a pass in such form as the Resident Commissioner may from time to time prescribe in respect of every native labourer engaged or produced by him for employment, and shall produce such pass to the official before whom the labourer signs the form of contract mentioned in the preceding sections, and such official after countersigning such pass shall cause the same to be handed to the labourer.

(10) If a contract which is required by section twenty-two of this Proclamation to be made in writing has not been made in writing it shall not be enforceable except during the maximum period permissible for contracts not made in writing, but each of the parties shall be entitled to have it drawn up in writing at any time prior to the expiry of the period for which it was made.

(11) If the omission to make the contract in writing was due to the wilful act or the negligence of the labour agent or employer, the worker shall be entitled to apply to the Resident Commissioner for the cancellation of the contract and, in appropriate cases, to sue for damages.

24. (1) No contract shall be deemed to be binding on the family or dependants of the worker unless it contains an express provision to that effect.

(2) The employer shall be responsible for the performance of any contract made by any person acting on his behalf.

25. The attesting officer shall satisfy himself, by the issue to the worker of a copy of the contract, of a work book, or of an equivalent document or token, or in such other manner as he may deem appropriate, that the worker is able —

- (a) to prove the existence and terms of the contract;
- and
- (b) to verify at any time the terms of the contract.

26. (1) Any labour agent or employer bringing a native labourer before a District Commissioner, Assistant District Commissioner, Police Office or other official for the purpose of signing a form of contract of employment in accordance with the terms of sub-section (1) of section twenty-three shall produce a certificate signed by a medical

practitioner has examined such native labourer and has found him to be in a sound state of health and physically capable of performing the contract in question.

(2) Where the worker has been recruited for employment at a distance from the place of recruiting or has been recruited in the Territory for employment in a territory under a different administration, the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in the Territory for employment in a territory under a different administration, at latest at the place of departure from the Territory.

(3) The Resident Commissioner may empower public officers before whom workers are brought in pursuance of subsection (1) of section twenty-three to authorise the departure, prior to medical examination, of workers in whose case he is satisfied—

- (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
- (b) that the worker is fit for the journey and the prospective employment; and
- (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

(4) The Resident Commissioner may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

(5) The Resident Commissioner may exempt from the requirements of medical examination workers entering into contracts for —

- (a) employment in agricultural undertakings
- (b) employment in the vicinity of the workers' homes—
 - (i) in agricultural work, and
 - (ii) in non-agricultural work which the Resident Commissioner is satisfied is not of a dangerous character or likely to be injurious to the health of the workers.

27. A non-adult person shall not be capable of entering into a contract:

Provided that the Resident Commissioner may permit a non-adult to enter into a contract with the consent of his parents and chief for employment upon light work subject to adequate safeguards for his welfare.

28. (1) The transfer of any contract from one employer to another shall be subject to—

- (a) the consent of the worker, and
- (b) the endorsement of the transfer upon the contract by an officer referred to in sub-section (1) of section twenty-three.

(2) Before endorsing the transfer upon the contract the officer aforesaid shall —

- (a) ascertain that the worker has freely consented to the transfer and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and
- (b) satisfy himself that the requirements of sub-section (2) of section twenty-three have been fulfilled.

29. (1) A contract shall be terminated—

- (a) by the expiry of the term for which it was made; or
- (b) by the death of the worker before the expiry of the term for which it was made.

(2) The termination of a contract by the death of a worker shall be without prejudice to the legal claims of his heirs or dependants.

30. (1) If the employer is unable to fulfil the contract or if owing to sickness or accident the worker is unable to fulfil the contract, the contract shall be subject to termination under conditions to be prescribed by the Resident Commissioner, which shall include provisions safeguarding in such cases the right of the worker to any wages earned, any deferred pay due to him, any compensation due to him in respect of accident or disease and his right (if any) to repatriation.

(2) A contract shall be subject to termination by agreement between the parties under the following conditions and such other conditions as may be prescribed by the Resident Commissioner —

- (a) safeguarding the worker from the loss of his right to repatriation unless the agreement for the termination of the contract otherwise providing and
- (b) assuring that—
 - (i) the worker has freely consented to the agreement and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and
 - (ii) all monetary liabilities between the parties have been settled.

(3) A contract shall be subject to termination on the application of either party in the cases and under conditions to be prescribed by the Resident Commissioner, which shall include provisions prescribing—

- (a) the period of notice, if any, to be given by the party wishing to terminate the contract; and
- (b) In equitable settlement of monetary and other questions arising from such termination, including the question of repatriation.

(4) The cases in which a contract shall be subject to termination in accordance with the last preceding subsection shall include case of ill-treatment of the worker by the employer.

(5) The Resident Commissioner may prescribe other cases in which a contract shall be subject to termination.

31. (1) The labour agent or employer shall whenever possible provide transport to the place of employment for workers, and for their repatriation.

(2) The labour agent or employer shall take all necessary measures to ensure—

- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport; are in good sanitary condition, and are not overcrowded;
- (b) that when it is necessary to break the journey for the night, suitable accommodation is provided for the workers;
- (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers;
- (d) that when the workers have to make long journeys on foot—

- (i) the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
 - (ii) where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention;
- (e) that when the workers have to make long journeys in groups they shall be convoyed by a responsible person.

32. (1) The expenses of the journey of workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the labour agent or employer: Provided that this requirement is not in accordance with local custom it may be waived by the Resident Commissioner if he is satisfied that the employers have in fixing wage rates made reasonable allowance for the expenses of the workers in connection with their journey.

(2) The labour agent or employer shall furnish workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

33. It shall not be lawful for any labour agent or employer in the Territory to make any advance to any native in excess of the sum or value of two pounds exclusive of any charges for transport or any amount due for any native tax or fine advanced by the labour agent or employer, and no interest shall be charged by the labour agent on any advance made.

34. (1) Any recruited worker who—

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment;
- (b) is found on medical examination to be unfit for employment;
- (c) is not engaged after recruiting for a reason for which he is not responsible; or
- (d) is found by the Resident Commissioner to have been recruited by misrepresentation or mistake;

shall be repatriated at the expense of the labour agent or employer.

(2) Where the families of recruited workers have been authorised to accompany the workers to the place of employment the labour agent or employer shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly—

- (a) sections thirty-one and thirty-two shall apply to such families;
- (b) in the event of the worker being repatriated in virtue of sub-section (1) of this section his family shall also be repatriated at the expense of the labour agent or employer; and
- (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated at the expense of the labour agent or employer.

35. (1) Every worker who is a party to a contract and who has been brought to the place of employment by the employer or by any person acting on behalf of the employer shall have the right to be repatriated at the expense of the employer to his place of origin or engagement, whichever is the nearer to the place of employment, in the following cases:

- (a) On the expiry of the period of service stipulated in the contract;
- (b) on the termination of the contract by reason of the inability of the employer to fulfil the contract;
- (c) on the termination of the contract by reason of the inability of the workers to fulfil the contract owing to sickness or accident;
- (d) on the termination of the contract by agreement between the parties unless the agreement otherwise provides;
- (e) on the termination of the contract on the application of either of the parties, unless the Resident Commissioner otherwise decides.

(2) Where the family of the worker has been brought to the place of employment by the employer or by any person acting on behalf of the employer, the family shall be repatriated at the expense of the employer whenever the worker is repatriated or in the event of his death.

(3) The expenses of repatriation shall include:

- (a) travelling and subsistence expenses during the journey; and

- (b) subsistence expenses during the period, if any, between the date of expiry of the contract and the date of repatriation.

(4) The employer shall not be liable for subsistence expenses in respect of any period during which the repatriation of the worker has been delayed—

- (a) by the worker's own choice; or.
- (b) for reasons of force majeure, unless the employer has been able during the said period to use the services of the worker at the rate of wages stipulated in the expired contract.

(5) If the employer fails to fulfil his obligations in respect of repatriation of a worker or his family in cases where the place of employment is in the Territory, the said obligations shall be discharged by the Government of the Territory which shall have the right to sue for and recover such expenses, and discouragements, as may have been so incurred from the employer.

36. The Resident Commissioner may exempt the employer from liability for repatriation expenses in the following cases—

- (a) when he is satisfied—
 - (i) that the worker, by a declaration in writing or otherwise, has signified that he does not wish to exercise his right to repatriation, and
 - (ii) that the worker has been settled at his request or with his consent at or near the place of employment;
- (b) when he is satisfied that the worker, by his own choice, has failed to exercise his right to repatriation before the expiry of three months from the date of expiry or termination of the contract;
- (c) when the contract has been terminated otherwise than by reason of the inability of the worker to fulfil the contract owing to sickness or accident and he is satisfied—
 - (i) that in fixing the rates of wages proper allowance has been made for the payment of repatriation expenses by the worker; and
 - (ii) that suitable arrangements have been made by means of a system of deferred pay or otherwise to ensure that the worker has the funds necessary for the payment of such expenses.

37. (1) The Resident Commissioner shall where necessary, require concise summaries of the Regulations relating to contracts to be printed in English and Sesuto and shall make such summaries available to the employers and workers concerned.

(2) Where necessary the employer shall be required to post such summaries in conspicuous places.

(3) Where the circumstances made the adoption of such a provision practicable and necessary, the Resident Commissioner may require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the Resident Commissioner may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

CHAPTER III.

GENERAL

38. This Proclamation shall not apply to contracts entered into before the commencement of this Proclamation.

39. (1) Any person who contravenes any provision of this Proclamation or omits to do any act required of him by this Proclamation shall be guilty of an offence and shall, on conviction before a Subordinate Court, be liable—

(a) if the contravention or omission is of a provision of sub-section (2) of section four, sub-section (2) of section thirteen, of section fourteen, of section fifteen or section thirty-seven, to a fine not exceeding twenty-five pounds, or to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and imprisonment;

(b) if the contravention or omission is of a provision of sections five, six, seven, eight, eleven, seventeen, eighteen, twenty-two, twenty-three, twenty-six, sub-section (a) of section twenty-eight, thirty-one, thirty-two, thirty-three, thirty-four or thirty-five, to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for a period not exceeding twelve months, or to both such fine and imprisonment.

(2) Any person who contravenes any provision of this Proclamation or of any Regulation made thereunder, or who makes default in complying with any provision of this Proclamation or any Regulation made thereunder with which it is his duty to comply, where such contravention or default is not elsewhere in this Proclamation or in such Regulation declared an offence, shall be guilty of an offence and shall, if no penalty is specially prescribed in this Proclamation or in the Regulations, as the case may be, for the contravention or default, be liable on conviction before a Subordinate Court to a fine not exceeding ten pounds, or to imprisonment with or without hard labour for a period not exceeding one month, or to both such fine and imprisonment.

40. (1) Any native—

- (a) who having entered into a contract for employment and signed such contract as provided by section twenty-three without lawful cause deserts from his place of employment or fails to enter upon or carry out the terms of his contract of employment; or
- (b) who after having in the Territory entered into a written agreement with a labour agent and having received an advance in respect thereof accepts another advance from another labour agent in consideration of entering upon any other contract of service before he has completed his term of service under the first mentioned agreement;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding two months.

(2) In any proceedings under the last preceding sub-section a copy of any contract duly signed as provided by section twenty-three which is certified as a correct copy by any such officer as is therein mentioned may be produced and shall thereupon the prima facie evidence of the terms of the contract.

(3) Where any native is convicted of an offence under this section, the court before which he is convicted may after recording the conviction enquire summarily into any complaint made by the labour agent by whom he was engaged that such native has failed to repay the amount of any advance made by such labour agent, and may make an order requiring such native to repay to such labour agent so much of any advance lawfully made by such labour agent in accordance with section thirty-three of this Proclamation as remains outstanding;

Provided that no advance accepted by any native in contravention of paragraph (b) of sub-section (1) of this section shall be recoverable hereunder. Any such order shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before such court.

41. The Resident Commissioner, with the prior approval of the High Commissioner, may make, alter, vary and cancel Regulations not inconsistent with the provisions of this Proclamation for the better carrying out of the objects and purposes of this Proclamation. All such Regulations shall be published in the Gazette.

42. This Proclamation may be cited as the Basutoland Native Labour Proclamation, 1942, and shall be deemed to have had force and effect as from the first day of January, 1942.

GOD SAVE THE KING.

Given under my Hand and Seal at Cape Town this Twelfth day of January, One thousand Nine hundre and Forty-two.

HARLECH
High Commissioner

By Command of His Excellency
the High Commissioner

H.E. PRIESTMAN
Administrative Secretary.

APPENDIX II

AGREEMENTS BETWEEN THE GOVERNMENTS OF THE KINGDOM OF LESOTHO AND THE REPUBLIC OF SOUTH AFRICA RELATING TO THE ESTABLISHMENT OF AN OFFICE FOR A LESOTHO GOVERNMENT LABOUR REPRESENTATIVE IN SOUTH AFRICA, LESOTHO CITIZENS IN THE REPUBLIC OF SOUTH AFRICA AND THE MOVEMENT OF SUCH PERSONS ACROSS THE INTERNATIONAL BORDER.

PREAMBLE

Whereas certain arrangements governing the employment of Lesotho citizens in the Republic of South Africa, the movement of persons across the international border, the documentation of Lesotho citizens and the establishment of border posts along the international border have been in existence since 1 July, 1963; and

Whereas it is in the interest of both Governments that a Lesotho Government Labour Representative be stationed in the Republic of South Africa; and

Whereas it is considered necessary also to make sundry provision for additional matters affecting Lesotho citizens in the Republic of South Africa;

Now, therefore, the Government of the Kingdom of Lesotho and the Government of the Republic of South Africa have agreed as follows:

ARTICLE I

- (a) The Government of the Kingdom of Lesotho shall establish in the Republic of South Africa a Lesotho Government Labour Office (hereinafter called "the Labour Office").
- (b) The Government of Lesotho shall with the concurrence of the Government of South Africa appoint an official to be designated the Lesotho Government Labour Representative (hereinafter called "the Labour Representative") who shall be a citizen and full-time government official of Lesotho and who shall be in charge of the Labour Office and stationed in South Africa.

- (c) The Labour Representative may appoint such staff to his office as he may reasonably require, provided that all such appointments shall be made only after consultation with the South African authorities.
- (d) The South African authorities shall, with due regard for South African legislation, assist the Lesotho authorities to acquire suitable office and residential accommodation for the Labour Representative and members of his staff.

ARTICLE II

- (a) The Labour Representative and such members of his staff as are citizens of Lesotho shall be accorded the following privileges and immunities while employed in the Labour Office as full-time government officials:
 - (i) Inviolability of their offices and archives from search or seizure;
 - (ii) Immunity from prosecution by the South African authorities in respect of acts committed in the exercise of their official functions;
 - (iii) Protection of their residences; provided that the privileges and immunities set out in this and the two preceding sub-paragraphs may, upon written notice by the Government of South Africa to the Government of Lesotho, be withdrawn in the case of an official who engages in activities which are in the opinion of the South African authorities, prejudicial to the security of the Republic of South Africa;
 - (iv) Exemption from South African income and personal taxes, provided that such officials are not-ordinarily resident in South Africa;
 - (v) Exemption from South African legislation concerning employment in South Africa.
- (b) It shall be the duty of officials who enjoy the privileges and immunities referred to in paragraph (a) to respect the laws and regulations of the Republic of South Africa.
- (c) The South African authorities shall issue to the officials mentioned in paragraph (b) identification cards, suitably inscribed, for the purpose of facilitating the implementation of the provisions of paragraph (a). The Lesotho authorities shall for the same purpose furnish the South African authorities with the names and residential addresses of all such officials.

- (d) Upon the completion of the tour of duty of the officials mentioned in paragraph (b) the identification cards referred to in paragraph (c) shall be returned to the South African authorities.

ARTICLE III

- (a) The functions of the Labour Representative and his staff shall be as follows:
- (1) Consultation with the South African authorities on the conditions of employment of Lesotho citizens in South Africa and matters relating thereto;
 - (ii) Ensuring that employees from Lesotho comply with South African requirements concerning entry, identification and documentation; assisting when necessary, with such identification and with applications for documentation; and generally encouraging compliance with those requirements;
 - (iii) Consultation with the South African authorities on matters affecting the welfare and housing of Lesotho citizens employed in South Africa or whose employment contracts have expired;
 - (iv) Administering, in consultation with the South African authorities, tax collections, deferred pay, family remittances and workers' welfare funds in respect of Lesotho citizens employed in South Africa;
 - (v) Assisting the South African authorities with the repatriation of sick, injured or destitute Lesotho citizens who are or were employed in South Africa and of other such citizens whose presence in South Africa is or has become unlawful;
 - (vi) Encouraging Lesotho citizens in need of advice and assistance to utilize the facilities of the office of the Labour Representative;
 - (vii) Consulting with the concurrence of the South African authorities, the employers concerned with regard to the attestation, repatriation and other matters relating to the employment of Lesotho citizens in South Africa;
 - (viii) Providing at the request of the South African authorities, interpreters in matters involving Lesotho citizens employed in South Africa;

- (ix) Liaising with the South African authorities on behalf of Lesotho citizens employed in South Africa or their dependants in regard to workman's compensation and pneumoconiosis claims by or on behalf of such citizens;
- (x) Any other function relating to Lesotho citizens in the Republic which may be agreed between the South African and Lesotho authorities be assigned to the Labour Representative or which are necessarily incidental to the proper discharge of the functions specified in this paragraph.
- (b) In order to discharge their functions, the Labour Representative and his staff shall, by arrangement with the South African authorities, be permitted access to the employers and places of employment of Lesotho citizens in South Africa.

ARTICLE IV

(a) Regarding taxation:

- (i) Lesotho citizens employed in South Africa shall be liable to pay taxes levied upon them by the Government of Lesotho and the primary obligation to pay such taxes shall rest upon the citizens concerned;
- (ii) The South African authorities shall, however, endeavour to ensure that the employers of such citizens, deduct such taxes at the rates prescribed by the Lesotho authorities from the wages of their employees and remit any monies so deducted to the appropriate Lesotho authority;
- (iii) The South African authorities shall further endeavour to ensure that the employers of such Lesotho citizens give every assistance to Lesotho tax inspectors who may visit such employers from time to time to examine the nominal rolls of Lesotho taxpayers and generally shall endeavour to assist in the collection of taxes in respect of such citizens;
- (iv) The fact of payment of such taxes shall be endorsed by the Labour Representative or his authorised deputy on the local passport of the citizen concerned.
- (b) Where a contract of employment entered into in terms of the Addendum to this Agreement specifies that there shall be deducted from the wages of a Lesotho citizen employed in South Africa—

(i) deferred pay to be paid to such citizens in Lesotho upon his return thereto; or

(ii) allowances to be paid to his family residing in Lesotho; or

(iii) monies to be paid into a welfare fund which the Lesotho authorities may establish in Lesotho for the purpose of supporting such citizen during periods of disablement upon his return to Lesotho;

the employer of such citizen shall make such deductions at the rates specified in the contract and shall pay to the Lesotho authorities the amounts so deducted in such manner and at such intervals not exceeding three months as the latter may request.

The South African authorities shall endeavour to ensure that employers carry out their obligations in this regard.

ARTICLE V

(a) The engagement of Lesotho citizens for employment in South Africa shall not be permitted except in accordance with the provisions of the Addendum to this Agreement. The Labour Representative and his staff shall not canvas employers in South Africa for the introduction into South Africa of citizens from Lesotho.

(b) The engagement of Lesotho citizens for employment in South Africa shall be subject to the availability of South African labour and may be regulated by the South African authorities accordingly.

ARTICLE VI

The Lesotho authorities shall establish suitable facilities at convenient places in Lesotho where Lesotho citizens can apply for employment in South Africa and where prospective employers or their authorised representatives can interview, select and engage such citizens and where the necessary processing of contracts and the documentation of recruits as well as their medical examination can be undertaken.

ARTICLE VII

Arrangements between the Lesotho authorities on the one hand and any recruiting organization on the other pertaining

to the recruitment of Lesotho citizens in Lesotho for employment in the Republic of South Africa, whether existing or new, shall be subject to the approval of the two respective Governments.

ARTICLE VIII

All persons entering or leaving either the Kingdom of Lesotho or the Republic of South Africa shall comply with the laws and regulations governing the admission to, residence in and departure from the two respective countries.

ARTICLE IX

- (a) As from the date of entry into force of this Agreement the arrangements in regard to the introduction of Lesotho citizens into South Africa and the movement of persons across the border between Lesotho and South Africa shall be those set out in the Addendum to this Agreement and the arrangements which entered into force on 1 July 1963 in this regard, shall lapse.
- (b) Such Addendum shall be deemed to form part of the Agreement.

ARTICLE X

- (a) Where either the Government of Lesotho or the Government of South Africa wishes to make representations to the other on matters arising out of this Agreement or its Addendum, such representations shall be made by an exchange of diplomatic Notes.
- (b) The appropriate authorities of Lesotho and of South Africa may nevertheless consult directly with one another in regard to the actual implementation of this Agreement and its Addendum and on routine administrative matters arising therefrom.
- (c) The South African authorities may also specially designate one or more senior government officials to liaise directly with the Labour Representative or with the appropriate authorities in Lesotho in regard to such implementation and such administrative matters.

ARTICLE XI

- (a) This Agreement shall come into force on the date of signature and shall be valid for an initial period of five

years from that date. Thereafter it shall automatically be extended for periods of one year at a time but may be terminated by either Government giving twelve months written notice to the other Government of its intention to terminate it. Such notice shall be given through the diplomatic channel.

- (b) Notwithstanding the termination of this Agreement a contract of employment in existence at the date of such termination shall remain of force and run its ordinary course.
- (c) This Agreement may be amended by agreement between the two Governments and any amendment shall be effected by the exchange of diplomatic Notes between them.
- (d) This Agreement or any of its provisions may at any time be suspended by agreement between the two Governments and any such suspension shall be effected by the exchange of diplomatic Notes between them.

IN WITNESS WHEREOF the undersigned being duly authorized thereto by their respective Governments have signed this Agreement.

DONE in duplicate in the English and Afrikaans languages both texts being equally authentic; provided that if there is any uncertainty concerning the interpretation of the Agreement the English text shall prevail.

For the Government of the Kingdom of Lesotho: Maseru, this 24th day of August, 1973.

P.N. Peete

For the Government of the Republic of South Africa; Pretoria, this 24th day of August, 1973.

H. Muller

ADDENDUM

ARRANGEMENTS REGARDING PASSPORT CONTROL POSTS, THE EMPLOYMENT AND DOCUMENTATION OF LESOTHO CITIZENS AND THE MOVEMENT OF PERSONS ACROSS THE COMMON BORDER BETWEEN THE KINGDOM OF LESOTHO AND THE REPUBLIC OF SOUTH AFRICA.

ARTICLE I

1. No person shall enter the Republic of South Africa from Lesotho or shall enter the Kingdom of Lesotho from South Africa, as the case may be, except through the passport control post established in the country of entry at one of the posts of entry specified in the annexure hereto: Provided that a citizen of South Africa or a citizen of Lesotho who needs to enter Lesotho or South Africa, as the case may be periodically, may enter at such other place and under such conditions as may be specified in his passport or other travel documents.
2. No person shall enter South Africa from Lesotho by rail (or enter Lesotho by rail) except through the ports of entry of Marseilles and Maseru, respectively.

ARTICLE 2

1. No person shall enter South Africa from Lesotho unless he has obtained the prior permission or where applicable the necessary visa from the appropriate South African authorities and has in his possession and produces to a passport control officer at a passport control post on the South African side of the border, the following documents—
 - (a) a valid passport, Lesotho local passport, or other travel document recognized by the South African authorities as a valid travel document;
 - (b) an international Certificate of Vaccination against smallpox or such other vaccination certificate as may be prescribed by the South African authorities;
 - (c) such other documents as may likewise be prescribed;

Provided that in respect of Lesotho citizens in a case of emergency or in respect of a visit for a period not exceeding fourteen days, the South African passport control officer concerned may at his discretion waive the requirements that prior permission for entry must be obtained from the appropriate South African authorities.

2. The passport control officer concerned shall endorse upon the passport or other travel document that the holder thereof is permitted to enter South Africa and the conditions as to the purpose, place and period of his sojourn.
3. In the case of a citizen of Lesotho referred to in the proviso to paragraph (1) of Article 1, the endorsement required in terms of paragraph (2) need be obtained only once in every six months.
4. The provisions of paragraph (3) shall apply also in the case of a citizen of South Africa referred to in the proviso to paragraph (1) of Article 1.

ARTICLE 3

A citizen of Lesotho who enters South Africa for the purpose of employment shall, in addition to the documents required in terms of paragraph (1) of Article 2, have in his possession and produce to the passport control officer referred to in that paragraph the following:

- (a) a written contract of employment attested in Lesotho in respect of a period of employment not exceeding two years; and
- (b) a duly completed set of fingerprints taken under the supervision of a Lesotho official in the form agreed upon between the Lesotho and South African authorities and signed by such official and dated by means of an official date stamp.

ARTICLE 4

An employer in South Africa, excluding the gold and coal mines represented by the Mines Labour Organization, the Natal Coal Owners Native Labour Organization or the Anglo Colliers Recruiting Organization, who wishes to introduce a citizen of Lesotho into South Africa for the purpose of employment, shall-

- (a) be permitted to do so only after he has obtained from the South African authorities a certificate indicating that he may recruit such citizens to a number stipulated in the certificate;
- (b) if he enters Lesotho to recruit such citizens, be in possession of a valid passport or other travel document from the South African authorities and produce it on demand to a Lesotho passport control officer at the port of entry;

- (c) advise the appropriate authorities in Lesotho at which place such citizens are to be recruited and obtain from those authorities permission to engage the citizens concerned;
- (d) pay to the Lesotho authorities such fees as may be prescribed by them in consultation with the South African authorities; and
- (e) enter into such written contract of employment in Lesotho as may be required by the authorities there.

ARTICLE 5

A Lesotho citizen who was in authorized employment in a specified area in South Africa, excluding the Western Cape, as at the date of the coming into operation of passport control between the two countries, that is to say 1 July 1963, shall not in such specified area be subject to the restriction of employment by one particular employer and to the two years maximum period of employment which apply in respect of engagements entered into after that date; Provided that this provision shall apply only in the case of Lesotho citizens who are in possession of valid local passports and can adduce proof that they are in such authorized employment, and only where no indigenous worker is available for employment in the place of such citizen.

ARTICLE 6

Any citizen of Lesotho who is found in South Africa and any citizen of South Africa who is found in Lesotho, as the case may be, and who is not in possession of documents authorizing his presence there, shall, upon his being identified as such a citizen, be liable to be dealt with according to the laws relating to prohibited persons applicable in the country in which he is found and repatriated to the other country and pending such identification and repatriation he may be detained by the authorities concerned.

ARTICLE 7

Lesotho citizens who wish to extend the period of a visit to the Republic of South Africa, shall apply to the appropriate South African authorities for such extension.

ANNEXURE

PORTS OF ENTRY AND PASSPORT
CONTROL POSTS

SOUTH AFRICA

1. Maseru Bridge
2. Van Rooyenshek
3. Sepapushek
4. Makhaleen Bridge
5. Telle Bridge
6. Ongeluksnak
7. Qacha's Nek
8. Ramatsilitososhek
9. Boesmansnek
10. Sanipas
11. Monantsa Pass
12. Caledonspoort
13. Ficksburg Bridge
14. Peka Bridge
15. Marseilles (in respect
of Railway passengers
only)

LESOTHO

1. Maseru Bridge
2. Van Rooyen's Gate
3. Sepapo; Gate
4. Makhaleng Bridge
5. Tele Bridge
6. Ongeluk's Nek
7. Qacha's Nek
8. Ramatseliso's Gate
9. Boesman's Nek
10. Sani Pass
11. Mononts'a
12. Caledon's Poort
13. Ficksburg Bridge
14. Peka Bridge
15. Maseru (in respect of
Railway passengers
only)

BIBLIOGRAPHY

PRIMARY SOURCES: MANUSCRIPT MATERIAL

PRIVATE PAPERS: Rhodes House, Oxford

Creech Jones, Papers

Sir G.Y. Lagden, Papers

Sir H. Stanley, Letters and Correspondences

Sir E. Machtig, Papers

Fabian Colonial Bureau, Papers

Sir Granville St. J. Orde Browne, Papers

Lord Passfield, Papers

Papers of the Labour Party's Advisory Committee on Imperial Questions

OFFICIAL RECORDS: Public Records Office, London

Colonial Office Files

C.O. 323/1027 - 1548 Colonies General

C.O. 417/528-715 Despatches, South African High Commission Territories

C.O. 537/621 and 943. Colonies General

C.O. 537/2567/4433D: UNESCO Report on Migration

C.O. 537/2798 South African High Commission Territories: Defence

C.O. 537/2937 South African High Commission Territories: Telegrams

C.O. 537/3219 Grant in Aid: Colonies

C.O. 546/26 Activities of Basutoland Progressive Association

C.O. 854/54-115 Circulars

C.O. 854/170-179 Confidential Circulars

C.O. 879/12, 19, 20, 23, 26, 46 Affairs of Basutoland: Further Correspondence

C.O. 885/33-99 Confidential Print: Miscellaneous

C.O. 886/1-11 Confidential Prints: Colonies

C.O. 888/1-6 Colonial Labour Committee: Minutes and Papers

Dominions Office Files

D.O. 9/1-15 South African High Commission Territories: Original Correspondence

D.O. 10/3 Proclamations in the High Commission Territories 1924-1940

D.O. 91/1-3 Africa South High Commission Government Gazettes

D.O. 92/1-12 Basutoland: Sessional Papers, Proceedings of the National Council

D.O. 114/91-99 Dominions: Confidential Prints (Native Policy and Administration in South Africa)

D.O. 116/1-8 South African High Commission Territories: Confidential Prints

D.O. 117/172 Imperial Policy in the Union of South Africa

D.O. 35/331-402, 404-425, 441-487 South African High Commission Territories: Original Correspondence 1930-1936.

D.O. 35/900-945 Y series, South African High Commission: Original Correspondence 1937-1942

D.O. 35/1172-1190 Y series, South African High Commission Territories: Original Correspondence 1943-1946

D.O. 35/1202-1425 Z series, South African High Commission Territories: Original Correspondence

Foreign Office Files

F.O. 371/25224-54701 Political Affairs in the Union of South Africa. Correspondence

Cabinet Office Files (Britain)

CAB 23/65 regarding British cabinet discussions on the High Commission Territories between 1933 and 1939

Lesotho National Archives, Maseru

S3/3/1 Labour Agents: General

S3/5/1 Basutoland Affairs

S3/5/18 Files 1-13 Recruitment of Native Labour

S3/20/1/1-50 Proceedings of the Basutoland National Council
1908-1958Basutoland

Annual Colonial Reports 1880-1935

PRINTED PRIMARY SOURCES

official:

British Parliamentary Papers

1869-9 xliii (4140)

1879 xlix (c 18,c99)

1880 li (c 2569) Correspondence re: Basutoland

1881 lxvi (c 2755) Correspondence re: Basutoland

1881 lxvi (c 2821) Correspondence re: Basutoland

1882 xlvii (c 3112) Correspondence re: Basutoland

1883 xlviii(c 3708) Correspondence re: Basutoland

1884 xlviii(c 4907) Correspondence re: Basutoland

1887⁰lxxii (c 5249-28) Report of the Resident Commissioner, Basutoland

1889 xlviii (5897) Report of the Resident Commissioner

1890-91 lv (c 6221-3) Report of the Resident Commissioner

1901 (cd 626,627) xxix 23

1904 (cd 1894) xxxix 226

1904 (cd 1896) xxxix 137
 1904 (cd 1897) xxxix 283
 1904 (cd 1898) lxi 59
 1904 (cd 1899) lxi 609
 1904 (cd 1941) lxi 633
 1904 (cd 1945) lxii 209
 1904 (cd 1986) lxi 731
 1904 (cd 2026) lxi 753
 1904 (cd 2183) lxii 1
 1905 (cd 2399) lx 69
 1905 (cd 2401) lv 405
 1905 (cd 2563) lv 545
 1906 (cd 2788) lxxx 301

Papers re: Labour in the Transvaal Mines

Annexes and Appendices to the Votes and Proceedings of
the Cape Parliament

G30-68 Correspondence re: Annexation of Basutoland

G40-68 Further Correspondence re: Annexation of Basuto-
land

C1-71 Report of Select Committee on Annexation Bill

G12-77 Blue Book on Native Affairs

A6-79 Select Committee on Hostilities in Basutoland

A17-49, 50-79 Papers on the Basutoland Rebellion

A27-83 Despatches re: Annexation of Basutoland

C3-85 Basutoland Report of the Resident Commissioner

Command Papers

cmd 9580: High Commission Territories: Economic Develop-
ment and Social Services, 1955.

cmd 2883: Proceedings of the First Colonial Office Conference (HMSO) 1927

cmd 3268 Proceedings of the Second Colonial Office Conference (HMSO) 1930

cmd 3357 Colonial Development. Memorandum Explaining Financial Resolution.

cmd 6175 Statement of Policy on Colonial Development and Welfare (HMSO) 1940

cmd 4907: Report on the Financial and Economic Position of Basutoland (HMSO) 1935

cmd 8707: Basutoland Bechuanaland Protectorate and Swaziland, History of Discussions with the Union of South Africa 1909-1939 (HMSO 1952)

OFFICIAL REPORTS

Great Britain - Commonwealth Relations Office:

Basutoland, Bechuanaland Protectorate and Swaziland, Report of an Economic Survey Mission, by Morse Chandler, (H.M.S.O. 1960)

Colonial Office: An Economic Survey of the Colonial Territories, Vol.1 (London)

Colonial Office: Labour Supervision in the Colonial Empire 1937-1943 (H.M.S.O. 1943)

Colonial Office: Labour Administration in the Colonial Territories 1944-1950 (H.M.S.O. 1951)

South Africa

Transvaal Labour Commission Report, 1903 (Johannesbourg 1903)

South African Native Affairs Commission 1903-1905 (Cape Town, 1905)

Inter-Departmental Committee on the Native Pass Laws (U.G. 41/1922 Pretoria, 1922)

Witwatersrand Mine Native's Wages Commission on the
renumeration and conditions of employment of
natives on the Witwatersrand gold mines, U.G.
21/1944 (Pretoria, 1944)

Native Laws Commission 1947-1948 U.G. 28/1948 (Pretoria
1948)

Mining Industry Commission, 1907-08 TGZ /

Report of the Inter-Departmental Committee on Labour
Resources of the Union, (Union of South Africa,
Printed Annexures to Votes and Proceedings
1931, Vol.3)

Report of Native Economic Commission 1930-1932 UG 22, 1932,
Part IV

Union of South Africa

Commission for Socio-Economic Development of Bantu areas
(Tomlinson, Report) UG/61 1955

International Labour Organization

The International Labour Office Year Book 1919-1946

The International Labour Review 1919-1946

Records of Proceedings of the International Labour
Conference

Reports submitted to the International Labour Conferences

Minutes of the Governing body

Hansards

Great Britain

Parliamentary Debates, House of Commons 5th Series,
Vol.234-725, 1930

House of Lords, 5th series Vol.90-175, 1933

Lesetho

Proceedings of the Basutoland National Council 1908-1958

NEWSPAPERS/PERIODICALS

Britain

The Times of London

Contemporary Review

Monthly Review

National Review

Quarterly Review

Nineteenth Century

Round Table

Lesotho

The Friend, This was first published in 1850 under the title: The Friend of the Orange River Sovereignty, but from 1854 it became known as the Friend of the Orange Free State

Leseliyana la Lesotho

The Little Light of Basutoland

South African

Rand Daily Mail

Transvaal Leader

Indian Opinion

PUBLISHED ARTICLES

Africa Today, "Labour in South Africa", Africa Today, 17,5
(1970)

African Development, "Basutoland: an Economic puzzle in Africa",
African Development 1(1966).

Alan Pim, "The Question of the South African Protectorates" International Affairs Vol.XIII, (Sept 1934).
also in Round Table Vol.XXV (March, 1935).

Allen, V.L. "The meaning of the working clan in Africa" Journal of Modern African Studies, 10, 2 (1972).

Alport, C.J.M. "The Protectorates: Can We Compromise?" Commonwealth Vol.16 (Sept. 1956).

Alverson, H. "Labour Migrants in South African Industry" in Migration and Anthropology, R.F. Spencer (ed.)

Amin, S. "Underdevelopment and Dependence in Black Africa - Origins, Contemporary Forms", Journal of Modern African Studies, 10,4 (1972)

Anonymous, "Future of Three Imperial Protectorates", The Crown Colonist, Vol.8, (1938).

_____, "The High Commission Territories and the Union of South Africa", World Today, Vol.6 (1950).

_____, "The High Commission Territories in South Africa", Anti-Slavery Reporter, Vol.5, (1950).

_____, "The Protectorate Question", The South African Outlook. Vol.65 (1935).

_____, "The South African Protectorates", Round Table, Vol.25, (1934).

_____, "The Protectorates and the Union", Vol.24 (1935).

Arden-Clarke, Sir C., "The Problem of the High Commission Territories" Optima, Vol.8, No.4, 1958.

Armor, M. "Migrant Labour in the Kalabo district of Barotseland", Bulletin of the Inter-African Labour Institute, 9,1 (1962)

Arrighi, G., "Labour Supplies in Historical Perspective: a study of the proletarianization of the African Peasantry in Rhodesia", Journal of Development Studies, 6, 3 (April, 1970).

Balliol-Scott, V. "Labour for the Union's gold mining industry", South African Mining and Engineering Journal (LXVII(1956)).

Ballinger, M. "Migrant native labour: the case against" The Union Review, 8, 95(1945).

Ballinger, M. The Historical background to the migratory labour system in South Africa", Black Sash, 8, 1 and 2 (June/July, 1964).; Challenge, 1,6, (November, 1964)

Barker, A., "Migratory Labour" Reality, 5,2 (May 1973).

Baring, Sir Evelyn, "Economic Developments under the High Commission in South Africa", African Affairs, LI 204 (July 1952).

Baring, Sir Evelyn, "The Problems of the High Commission Territories", International Affairs, (April 1952).

Bell, R.T. "Migrant Labour: Theory and Policy", South African Journal of Economics, 40, 4 (December 1972).

Berger, E.L., "Government policy towards migrant labour on the Copperbelt 1930-1945", Transafrican Journal of History, 11, 1 (1972).

Berry, R.A. and Soligo R., "Rural-Urban migration, agricultural output and the supply price of labour in a labour surplus economy", Oxford Economic Papers, 20, 2 (July, 1968).

Blanc, W., "Labour Problem in South Africa" 19th Century, Vol. 75, 1914.

Bochkaryov, Y., "Cinderellas of Empire (Critical of conditions in Bec. Bas and Swaz. and of the Influence exerted on the by G.B. and South Africa)", New Times (Novy, Mir, Moscow, Oct. 1966.

Bovvier, P.F., "Some aspects of labour migration in the Belgian Congo" Inter-African Labour Institute Bulletin 6,6 (November, 1959).

Breytenbach, W.J., "Foreign Bantu Workers", Inter African Labour Institute Bulletin, 9, 7(1971).

Bull, Theodore, "The Problem Protectorates" World Today, Nov. 1963.

Bundy, C., "The Emergence and Decline of a South African Peasantry" African Affairs, 71/85, 285 (October, 1972).

Bundy, C., "The Abolition of the Masters and Servants Act," South African Labour Bulletin, 2,1 (1975).

Carr, W.J.P., "Law and Regulations Relating to the Employment of the Bantu in the Urban areas", Journal of the South African Institute of Personnel Management, (January 1962).

- Chaplin, F.D.P., "Labour Question in the Transvaal", National Review (January 1906).
- Cowen, D.V. "Land tenure and economic development in Lesotho"; South African Journal of Economics, 35,1 (1967).
- Cresswell, F.H.P. "Transvaal Labour Problems", National Review (November, 1902).
- Davenport, T.R.H. "African Townmen? South African Urban areas legislation", African Affairs, 68,27 (1969).
- Davies, R., "Mining Capital, State and Unskilled White Workers in South Africa 1901-1913", Journal of Southern African Studies, 3,1 (1976).
- Delius, P., "Migrant Labour and the Pedi before 1869" Collected Seminar Papers on the Societies of Southern Africa in the 19th and 20th centuries, Vol.7, 1977.
- Denoon, D. "The Transvaal Labour Crisis, " Journal of African History, 7(1968).
- Denson, D., "Capitalist Influence and the Transvaal Government during the Crown Colony Period 1906-06", Historical Journal 9,2 (1968).
- Diamond, C.R., "The Native grievances Enquiry, 1913-1914", South African Journal of Economics XXXVI, (1968).
- Elkan, W., "The persistence of migrant labour" Inter-African Labour Institute Bulletin, 6 5 (September 1959).
- Elkan, W., "Migrant labour in Africa: an Economist approach", American Economic Review, 49(May, 1959).
- Ewing, J.M.M., "The Witwatersrand Mining Policy: the Dominant Factors," South African Journal of Economics 11 (June, 1934).
- First, R. "The Gold of Migrant Labour" Africa South in Exile, Vol.v, No.3 (1961).
- Frankin, M.J., "Labour migration in less developed countries: comment" Manpower and Unemployment Research in Africa, 5, 1 (April, 1972).
- Garbett, G.K., "Circulatory Labour Migration in Rhodesia: Towards a decision model", International African Institute
- Gelfan, M. "Migration of African Labourers in Rhodesia and Nyasaland, 1890-1914", Central African Journal of Medicine VII, 8 (1961).

Gemmill, W., "Growing reservoir of native labour for the mines". Optima, 2,2 (1952).

Grobhelaar, J.A., "International Labour Organization and South Africa - today and tomorrow", South African International 4(1973).

Gugler, J.G., "The impact of labour migration on society and economy in sub-saharan Africa: Empirical findings and theoretical considerations." African Social Research, 6 (December, 1968).

Gugler, J.G., "On the theory of rural-urban migration: the case of sub-saharan Africa" J.A. Jackson, (ed), Migration (Cambridge, 1969).

H.A., "The H.C. Teris and the Union of South Africa". The World Today (Feb., 1950).

Hamnett, I. "Some problems in the assessment of land shortage: a case study in Lesotho", African Affairs, 72, 1286 (1973).

Harlech, Lord, "The Poritish Protectorates in South Africa", African Studies Vol.3; No.3 (Sept. 1945).

Harlech, Lord, "Basutoland, Bechuanaland and Swaziland", United Empire, Vol.36, 2 (March-April 1945).

Harris, M., "Labour emigration among the Mocambique Thonga: Cultural and political factors", Africa, 29,1 (1959).

Hawarden, E., "The social and Economic cost of migrant labour", Race Relations Journal, 12, 2(1945).

Hellmann, "Men on the move: a factual study of migrant labour in South Africa", Jewish Affairs, 20, 7(1964)

Houghton, D.H., "Men of two worlds: some aspects of migratory labour in South Africa", South Africa Journal of Economics 28, 3(1960).

International Labour Review, "Labour Problems of Basutoland, Bechuanaland and Swaziland", International Labour Review Vol.29, (March, 1934).

Jeeves, A., "The Control of Migratory Labour in the South African Gold Mines in the Era of Kniger and Milner", Journal of Southern African Studies 2, 2(1975).

Johnstone, F.A., "White Prosperity and White Supremacy in South Africa Today", African Affairs, 69 (April, 1970).

Lansdown, "The Chieftainship in Basutoland. Full text of the judgement delivered by C.S.H. Lansdown in a case involving the office of paramount chief of Basuto, 1943", African Studies, Vol.4, (1945).

Lee, E.S., "A Theory of Migration", Demography, 3,1 (1966).

Legassick, M., "South Africa: Forced Labour, Industrialization and Racial Differentiation" in R. Harris (ed.), The Political Economy of Africa, (Boston, 1974).

Legassick, M., "South Africa: Capital Accumulation and Violence". Economy and Society III, 3(1974).

Lewis, W.A., "Economic Development with Unlimited Supplies of Labour", The Manchester School XXVI (1954).

Lucas, F.A.W., "White or Black? The Transvaal Mining Industry Commission's Report", Africa Monthly, Vol.4 (1908).

MacRea, R., "Race and Class in South Africa", The African Review 4, 2(1974).

Mining Survey, "Migrant labour on the gold mines and its effects on tribal native family life", Mining Survey, 1, 6(1948).

Moore, W.E., "The Migration of native labourers in South Africa", Milbank Memorial Fund Quarterley, 24(1946).

Morris, M.L., "The development of Capitalism in South African agriculture: class struggle in the countryside", Economy and Society 5, 3(1976).

Murray, C., "Marital Strategy in Lesotho: the redistribution of Migrant earnings", African Studies 35, 2(1976).

Perrings, C.A., "The Theory of labour migrancy", Mimeo, 1977.

Piercy, M.J. "Statutory Work Reservation - Requirement of a of a Static or of an Expanding Economy?" South African Journal of Economics, (June, 1960).

Phoofolo, P., "Renepese Lefa la Likhomo: Rinderpest Epizootic of 1887-1897: A Preliminary Survey", Paper presented to the International Conference on Southern African History, National University of Lesotho, Roma in August 1-7, 1977.

Rex, J., "Compound, the Reserve and the Urban location: the essential institutions of Southern African Labour Exploitation." South African Labour Bulletin, 1,4 (July, 1974).

- Sanderson, F.E., "The development of labour migration from Nyasaland, 1891-1914", Journal of African History, 11 2(1961).
- Semple, D.W., "The effects of migratory labour" South African Outlook, 96. 907 (1946).
- Van der Horst, S.T., "Some effects of industrial legislation on the market for native labour in South Africa", South African Journal of Economics, (1942).
- Van der Horst, "The implications of the policy of migratory labour", Race Relations, Paper 78/45 (1945).
- Van Onselen, "Reaction to Rinderpest in Southern Africa", Journal of African History, 13, 3(1972).
- Walman, S., "Conditions of Non-Development: the case of Lesotho", Journal of Development Studies, 8, 2(1972).
- Warick, P., "Black industrial protest on the Witwatersrand, 1901-1902", South African Labour Bulletin, 2, 8(1976).
- Webb, M., "Vanishing Lande and Migrant labour", Race Relations Journal, 11, 3/4(1944).
- Williams, J.C., "Lesotho: Economic implications of migrant labour", South African Journal of Economics 39,2 (June 1971).
- Wilson, F., "Migrant Labour in World Perspective: Notes on the Migrant Labour system in Lesotho", South African Labour Bulletin, 1,4(1974).
- Wilson, F., "Notes on the migrant labour system in Lesotho", South African Labour Bulletin, 1, 4(1974).
- Wolpe, H., "Capitalism and Cheap Labour Power in South Africa: From Segregation to Apartheid", Economy and Society 1, 4(1972).

THESES

- Cooper, C., "Land and Labour in the Transvaal", University of London, M.A., 1974.
- Caplan, L., "Some Problems of Social Change with Particular Reference to the Effects of Labour Migration on the Tribal Life of Selected African Peoples", M.A. thesis, University of London, 1963.

Henry, H.H. George, "The Basutoland Economy: A Case Study of Backwardness in a Traditional Society" Ph.D. thesis, Cornell University, 1964.

Katz, E.N., "The Origins and Early Development of Trade Unionism in the Transvaal 1902-1913", M.A. thesis, University of Witwatersrand, 1973.

Maroney, S., "Industrial Conflict in a Labour Repressive Economy: Black Labour in the Transvaal gold Mines 1901-1912", M.A. thesis, University of Witwatersrand, 1976.

Murray, C.G., "Keeping House in Lesotho: A study of the Impact of Oscillating Migration", Ph.D. thesis, Cambridge, 1976).

Quirin, J.M., "The Economics of Agriculture in Basutoland", MSC thesis, University of London, 1958.

Tictin, D., "The Origin of the Labour Party 1886-1910", PhD. thesis, University of Cape Town, 1973.

SECONDARY SOURCES

BOOKS

Amin, S.(ed), Modern Migrations in West Africa (Oxford University Press, 1974).

Ashton, E.L., Political Organization of the Southern Sotho, (no pub. r.d.).

Ashton, H., The Basuto (Oxford University Press: 1952).

Austin, Dennis, Britain and South Africa (London, N.Y. OUP, 1966).

Bonner, P.L. (ed)., Working Papers in Southern African Studies, (University of Witwatersrand, 1977).

Breytenbach, W.J., Migratory Labour Arrangements in Southern Africa (Pretoria, 1972).

Brockway, F., British Protectorates: Key to South African Freedom, (London, 1957).

Brookes, E.H., A History of South African Native Policy (Pretoria, 1924).

Cadwell, J.C., African Rural-Urban Migration: The Movement to Ghana's Towns. (London: Hurst, 1969).

Casalis, E., The Basutos, or Twenty-Three Years in South Africa, (London, 1861).

Chatham House, The High Commission Territories and the Union of South Africa, (Oxford University Press, 1957).

Chesson, F.W., The Basuto War (London, 1881).

Davenport, T.R.H., South Africa, A Modern History (University of Toronto Press, 1977).

Davies, R., Capital State and White Labour in South Africa, 1900-1960, (Humanities Press, 1979).

Denoon, D., The Grand Illusion (London, 1973).

De Kiewiet, C.W., The Imperial Factor in South Africa, (London, 1937).

De Kiewiet, C.W., A History of South Africa (Oxford: Clarendon Press, 1941).

De Kok, J.K., Industrial laws of South Africa (Cape Town, 1965).

De Kok, J.K., Empires on the Veld (Durban, 1904).

De Vox, P.J. and Maree, J., Underemployment, Poverty and Migrant Labour in the Transkei and Giskei, (Johannesburg, 1975).

Doxey, J.H., The Industrial Colour Bar in South Africa (Cape Town, 1961).

Doxey, G.V., The High Commission Territories and the Republic of South Africa (London: 1963).

Douglas, A.J.A. and Tennant, R.K. Basutoland: Agricultural Survey, 1944-50, (Maseru, 1952).

Dundas, C.S.F., Ashton, H. Problem Territories of Southern Africa: Basutoland, Bechuanaland Protectorates and Swaziland, (Johannesburg, 1952).

Dutton, E.A.T., The Basuto of Basutoland (London, 1923).

Edwards, Isabel, E., Protectorates of Native Reserves? A Political and Constitutional Survey of the High Commission Territories in the Union of South Africa, Basutoland, Bechuanaland and Swaziland, (London: HMSO, 1956).

Ellenberger, D.F., History of the Basuto, Ancient and Modern (London, 1912).

Ellenberger, V.A., A Century of Mission Work in Basutoland, 1833-1933, (Moriya, 1938).

Evans, I.W., Native Policy in South Africa, (Cambridge, 1934).

Fabian Bureau, The Unprotected Protectorates, (London, Fabian Research Society, 1965).

Fitzpatrick, J.P., The Transvaal From Within (London, 1899).

Fitzpatrick, J.P., Lord Milner and His Work (London, 1925).

Fitzpatrick, J.P. South African Memories, (London, 1932).

Garner, J., The Commonwealth Office, 1925-68, (Heinemann, 1978).

Germond, R.C., Chronicles of Basutoland, (Moriya, 1967).

Gibson, J.Y., The Evolution of South African Native Policy, (Maritzburg, 1919).

Glass, H.N. South African Policy towards Basutoland (Johannesburg, 1966).

Greaves, L.B., The High Commission Territories (London, 1954).

Goodfellow, C.F., Great Britain and the South African Confederation 1870-1881. (Oxford, 1966).

Hadley, R., Doctor to Basuto, Boer and Briton 1877-1906, (Cape Town, 1972).

Hailey, W.M., The Republic of South Africa and the High Commission Territories (London: Oxford University Press, 1963).

Hailey, W.M. Native Administration in the British African Territories, Part V: The High Commission Territories: Basutoland, the Bechuanaland Protectorate and Swaziland, (London, 1953).

Halpen, T., South African Hostages, (London, 1965).

Hardie, K., From Serfdom to Socialism, (London: George Allen 1907).

Hardie, K., India, Impressions and suggestions (London, 1917).

Headlam, C., Milner Papers, 2 volumes. (London, 1931, 1933).

Hellman, E. (ed.), Handbook on Race Relations in South Africa, (Oxford, University Press, 1949).

Hill, P., Rural Hausa, A Village and a Setting (Cambridge University Press, 1972).

Horrell, M., South Africa's Non-White Workers, (Johannesburg, 1956).

Horrell, M., Legislation and Race Relations (Johannesburg, 1966).

Horrell, M., The African Reserves of South Africa, (Johannesburg, 1969).

Horwitz, R., The Political Economy of South Africa, (New York, 1967).

Houghton, D.H., Some Economic Problems of the Bantu in South Africa, (Johannesburg, 1938).

Houghton, D.H., The South African Economy, (Cape Town, 1972).

Hutt, W.H., The Economics of the Colour Bar, (London, 1964).

Hyam, R., The Failure of South African Expansion 1908-1948, (London: MacMillan Press, 1972).

Irvine, T.W., British Basutoland and the Basutos, (London, 1881).

Janisch, M. A study of African Income and Expenditure in 987 Families in Johannesburg, (Johannesburg, 1940).

Johnston, F., Class, Race and Gold: A study of Class Relations and Racial Discrimination in South Africa (London, 1976).

Katz, E.N., A Trade Union Aristocracy: A History of White Workers in the Transvaal and the General Strike of 1913 (Johannesburg, 1976).

Katzen, L., Gold and the South African Economy, (Cape Town, 1964).

Kirk, J., The Economic Aspects of Native Segregation in South Africa, (London, 1904).

Kuczynsky, R.R., Demographic Survey of the British Colonial Empire, (London, 1949).

Lagden, G.Y., The Basutos, 2 volumes (London, 1909).

le May, G.H.L., British Supremacy in South Africa, 1899-1907, (London, 1965).

Leftwich, (ed)., South Africa: Economic Growth and Political Change, (London: Allison and Busby, 1974).

Leistner, G.M.E., Breytenbach, W.J., The Black Worker of South Africa, (Pretoria, 1975).

- McMillan, W.M., Complex South Africa: An Economic Footnote to History, (London, 1930).
- Mayer, P. Sociological Aspects of Labour Migration (Durban, 1962).
- Monyake, L.B., Lesotho: land, population and food: Report of the national population symposium, (Maseru, 1974).
- Morton, South African Diamond Fields (n.d.)
- Noble, J., South Africa, Past and Present (London, 1877).
- Olivier, L., White Capital and Coloured Labour (London, 1929).
- Orde Brown, A. St. J. The African Labourer, (Oxford, 1933).
- Orpen, J.M., History of the Basuto in South Africa, (Cape Town, 1857).
- Palmer, R. and Neil Parsons, The Roots of Rural Poverty in Central and Southern Africa, (London, Heinemann, 1977).
- Pyrah, G.B., Imperial Policy in South Africa, 1902-1910, (Oxford, 1955).
- Roberts, B.C., Labour in the Tropical Territories of the Commonwealth. (London, 1964)
- Rosenthal, E., African Switzerland, (Hutchison and Co., 1948).
- Schapera, I., Migrant Labour and Tribal Life, A study of Conditions in the Bechuanaland Protectorate, (London, 1947).
- Shaw, T.K., Herd (eds), The Politics of Africa: Dependence and Development (Longmans, 1979).
- Sheddick, I., Land Tenure in Basutoland (Colonial Research Studies H.M.S.O. London, 1954).
- Simons, H.J., The Origin and Functions of the Pass Laws (Cape Town, 1961).
- Simons, R.E., Class and Colour in South Africa, 1850-1950, (Harmondsworth, 1969).
- Spence, J.E., The Politics of Dependence in Lesotho, (London, 1968).
- Stevens, R.P., Lesotho, Botswana and Swaziland: The Former High Commission Territories in Southern Africa, (London: Pall Mall Press, 1967).
- Tatz, C.M. Shadow and Substance, (Natal University Press, 1962).

- Thompson, L.M., The Unification of South Africa, (Oxford, 1960).
- Tylden, G., The Rise of the Basuto (Juta and Co., Ltd., Cape Town, 1950).
- Van der Horst, S.T., Native Labour in South Africa, (Frank Cass, 1942).
- Van Wyk, A.J., Lesotho: a political study, (Pretoria, 1967).
- Wallman, S., Take Out Hunger: Two Case Studies of Rural Development in Basutoland, (London, 1969).
- Walshe, P., The Rise of African Nationalism in South Africa, (London, 1972).
- Weisfelder, R.F., Lesotho. An Unstable Irritant Within South Africa (Boston, 1970).
- Wilson, F., Labour in the South African Gold Mines, 1911-1969, (Cambridge, 1972).
- Wilson, M., Thompson, L. (eds)., Oxford History of South Africa, 2 volumes (Clarendon Press, Oxford, 1971).
- Winai Strom, G., Development and Dependence in Lesotho: the Enclave of South Africa, (The Scandinavian Institute of African Studies, Uppsala, 1978).

Additional Sources

1. A.H. Duminy and W.R. Guest, Fitzpatrick, South African Politician.
2. M. Fraser (ed.), All That Glittered: Selected Correspondence of Lionel Phillips.
3. Union of South Africa, Report from Select Committees, 1910-11 (First Session, First Parliament), Vol. II Select Committee Report and Minutes of Evidence on the Native Labour Regulation Bill, 1911.
4. Native Grievances Inquiry [Buckle Commission], 1913-14.