

BRITAIN, SOUTH AFRICA, AND THE HIGH COMMISSION TERRITORIES: AN OLD CONTROVERSY REVISITED

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ABSTRACT. *This article revisits the controversy surrounding the protection that Britain accorded the high commission territories on the advent of South African unification in 1910. Instead of incorporating these regions into the new Union from the start, the imperial government retained responsibility for them and further issued a schedule stipulating the terms on which transfer could take place later. The historiographical controversy centres around the respective roles of the high commissioner, the Liberal government, and the African inhabitants of these regions in formulating Britain's policy on this question. The present author agrees with Ronald Hyam that London made the decision to withhold the areas from the Union and that this decision has proved of critical importance to the welfare of the people concerned. This article, however, emphasizes that in the context of 1909 the question of transfer did not appear to possess the importance that it later took on, for all statesmen assumed that, sooner or later, the Territories would be transferred. What seemed more important at the time was the schedule governing transfer. This was primarily the work of the high commissioner – Lord Selborne. Though not without a trace of old-fashioned paternalism, his proposals display a modern enthusiasm for bureaucratic state building.*

In the 1960s, as the Republic of South Africa intensified apartheid repression within its borders and projected its economic and military power without, Britain accorded the high commission territories which bordered the Republic complete independence. From this bold step there emerged three sovereign black states in the midst of a hostile white South Africa: Botswana, Swaziland, and Lesotho. This outcome would have surprised all those involved in the constitutional proceedings that created the Union of South Africa in 1910. While white South Africans confidently expected to assume control over the Territories within a generation, the black inhabitants in these areas dreaded such a prospect but realized its likelihood. Resigned to this eventuality, Lord Selborne, the British high commissioner from 1905 to 1910, advocated the inclusion of the regions in the Union from the start to assuage white resentment, which would, if not appeased, become dangerous and irresistible. Lord Crewe, the secretary of state for the colonies in Britain's Liberal government, overruled his high commissioner and decided to keep Bechuanaland, Swaziland, and Basutoland (as the regions were known then) under imperial control for the time being, but even he affirmed that the high commission territories must eventually be transferred to the Union of South Africa. Though anticipated by

everyone, this eventuality never materialized despite mounting South African pressure over the next half century.

I

The most complete analysis of ‘the failure of South African expansion’ was offered by Cambridge historian Ronald Hyam over a quarter century ago. According to his account, the Liberal government in Britain deserves the credit for rescuing these regions from South Africa’s clutches. Keenly alive to Britain’s responsibilities towards Africans on the subcontinent, Lord Crewe and his Liberal colleagues acted where they could to safeguard African interests. Although it proved impossible to influence ‘native policy’ in the Union, the British government exerted its utmost efforts for Africans in the Territories. Britain not only postponed transfer in 1910 but also ensured that the Act of Union included a schedule which, besides safeguarding certain African interests such as land, stipulated the terms on which transfer would take place.

The decision to exclude the high commission territories from the Union in 1910 was deeply resented by South Africa, whose political leaders made repeated efforts to obtain the regions, which became an increasing source of friction between the Union and Great Britain. Though economic considerations were not irrelevant, Hyam reminds us that political motives, especially the desire for prestige and status, were far more important. The attempt to acquire the Territories was part of South Africa’s drive for expansion, which was itself connected to the rise of Afrikanerdom. As Hertzog’s repressive legislation unfolded between the wars, Britain’s refusal to hand over the regions seemed not only a denial of status but also an insulting criticism of South Africa’s policy of segregation. None the less, Britain stood firm, citing sometimes the schedule and at other times African opinion to resist the Union’s overtures. The advent to power in 1948 of the Nationalists, with their explicit policy of apartheid, ensured that transfer would never take place, and the proclamation by South Africa of its republican status in 1961 formally buried the issue by annulling the South Africa Act itself. The protection which Britain had extended to these regions since 1910 was, to Hyam, ‘a real but marginal dividend of trusteeship’.¹

Some historians have argued that, considering the economic dominance which South Africa has exerted over these areas, this ‘dividend’ has indeed been marginal, in fact marginalizing. Drawing on dependency theorists, many recent scholars believe that the formal ‘independence’ of these regions has proved insubstantial and hollow; it has not prevented them from becoming labour pools for the Republic of South Africa.

¹ Ronald Hyam, ‘African interests and the South Africa Act, 1908–1910’, *Historical Journal*, 13 (1970), p. 105. See also Ronald Hyam, *The failure of South African expansion, 1908–1948* (New York, 1972), passim, and his chapter, ‘The politics of partition in southern Africa, 1908–61’, in Ronald Hyam and Ged Martin, eds., *Reappraisals in British imperial history* (London, 1975), pp. 187–200.

Imperial trusteeship was nowhere more visible than in the case of Botswana, which was taken under British protection in 1885 to offset the efforts of Boer freebooters to establish Afrikaner states in Tswana territory. Ten years later, trusteeship proved a more powerful factor in imperial policy than Cecil Rhodes himself, for Britain resisted the temptation to transfer the entire Bechuanaland Protectorate, as it was known, to Rhodes's British South Africa Company. Trusteeship did not, however, protect the Tswana from market forces, which gathered strength after the discovery of gold in the Witwatersrand in 1886. To be sure, many Tswana initially profited from the increased demand for agricultural produce, which their system of peasant production proved quite capable of meeting. The most notable example of Tswana capitalism was Khama III, chief of the Bamangwato, who amassed a fortune through various commercial enterprises. So confident and independent was he that in 1898 he banned labour recruitment in his territory. Good times did not, however, last. Soil exhaustion, drought, rinderpest, and the collapse of the South African market devastated the region. In 1913, Khama was forced to rescind his prohibition on labour recruitment, and by the 1930s, the Tswana had become dependent on labour migration for their economic existence. In light of these points, dependency theorists maintain that political independence has not prevented Botswana's economic domination by South Africa. This issue has recently aroused much controversy and will be discussed more fully below.²

Lesotho furnishes an excellent example of both trusteeship and dependence. After persistent appeals by Moshoeshe for imperial protection against Boer encroachment on Basuto territory, Britain brought Lesotho under its rule in 1868. Though it placed the territory under the Cape's rule three years later, the imperial government was forced to resume direct control in 1884 after the Cape's disarmament measure had provoked an armed Basuto rebellion. Under British rule Lesotho flourished, as its people responded with alacrity to the economic stimulus which the mineral discoveries provided.

In the first decade of this century however, disturbing signs appeared. Drought, overpopulation, and cattle disease resulted in agricultural decline, while the Rand's insatiable appetite for black labour exercised a strong pull on Sotho men. The situation deteriorated further between the wars as depression, combined with drought, blighted the countryside. By the 1930s Lesotho, which had exported food, became a net importer of cereal, including maize – its staple product! Unable to feed itself, much less provide an economic livelihood for its people, Lesotho sent half its adult males beyond its borders as migrant workers. As Colin Murray put it, capitalist penetration had transformed it from a 'granary to a labour reserve'. The miserable effects of migrancy cannot be measured in economic terms alone. In his book Murray wrote:

The present study of Lesotho confirms that a system in which large numbers of men spend long periods away at work, leaving their wives and children at home, generates

² See Neil Parsons, 'The economic history of Khama's country in Botswana, 1844–1930', in N. Palmer and R. Parsons, eds., *Roots of rural poverty* (Berkeley, 1977), p. 137.

economic insecurity, marital disharmony, material and emotional misery and problems relating to sexual morality and legitimacy of children irrespective of the cultural definition of these matters.³

Trusteeship did little to avert these developments.

Swaziland's situation was rather different and its 'dependence' on South Africa less dramatic and complete. It came under Kruger's control in 1894, but Britain's conquest of the South African Republic in the Boer War left Britain in possession of Swaziland, which it annexed in 1903. The imperial government also inherited an embroglio over the concessions which the late Chief Mbandeni had extended to white fortune-hunters in the late nineteenth century. Before he died, Mbandeni had bargained away his entire country (some parts more than once) to avaricious white merchants, magnates, and scoundrels.⁴ Though Britain preserved a considerable portion of Swaziland for the Swazis, the European concession-holders secured title to almost two-thirds of the territory.⁵ British policy in the form of land partition and taxes combined with drought and cattle disease to drive the Swazi to the mines, though they exerted considerable control over the terms on which they entered the labour market. None the less, migrancy, land partition, and colonial rule undermined the subsistence economy, the vitality of traditional institutions, and the authority of the Swazi royal house and Dlamini aristocracy. By the interwar period, Swaziland had become a dependent economy, relying on migratory labour for most of its revenue. In the early 1930s the Swazis produced only 20 per cent of their food requirements. Poverty was commonplace, and social services were scarce. Thus, a recent authority, Jonathan Crush, concludes that

in the case of Swaziland at least, South African expansion was hardly a failure as Hyam has suggested. It is true that for many of the reasons outlined by Hyam, Swaziland was never formally incorporated in the Union. But, in the economic sphere, largely ignored in Hyam's analysis, South Africa rapidly achieved exactly what it wanted: a client state acting as a labour reservoir for South African industry.⁶

It is not only on the economic front that Hyam is vulnerable. Some historians object to his metropolitan focus, which, they argue, tends to marginalize black

³ Colin Murray, *Families divided: the impact of migrant labour in Lesotho* (Cambridge, 1981), p. 171. It is debatable whether conditions have improved since independence in 1966. For a pessimistic view, see L. V. Ketso, 'Lesotho: the role of agriculture', in Z. A. Konzachi, J. L. Parpart, and T. M. Shaw, eds., *Studies in the economic history of southern Africa, 1: The front-line states* (London, 1991), pp. 240–59, passim. More optimistic, though cautiously so, is Deborah Johnson, 'The state and development: an analysis of agricultural policy in Lesotho, 1970–1993', *Journal of Southern African Studies*, 22 (1996), pp. 119–37.

⁴ Philip Bonner, *Kings, commoners, and concessionaires: the evolution and dissolution of the nineteenth century Swazi state* (Cambridge, 1983), pp. 222–3.

⁵ It was Lord Selborne who worked out the settlement. See Jonathan Crush, *The struggle for Swazi labour, 1890–1920* (Kingston, 1987), pp. 139–40.

⁶ Crush, *Struggle for Swazi labour*, p. 8. Some scholars, however, argue that the picture of Swaziland as an underdeveloped state can be overdrawn. See Gavin Maasdorp, 'The landlocked countries: Swaziland', in Konzacki, Parpart, and Shaw, eds., *Economic history of southern Africa, 1*, pp. 215–35.

influence on Britain's decision to withhold the high commission territories from Union. Indeed, a year before the appearance of Hyam's key article on the subject, Alan Booth had presented an Africanist interpretation of this issue. Booth argued that, in fact, British statesmen devised their policy in response to African pressure. According to his argument, Africans, especially the Basuto, protected themselves, albeit in an indirect way. Two visits to Basutoland and a barrage of letters from the Reverend Jacottet, a prominent Swiss missionary among the Basuto, convinced Selborne that these people must remain outside the Union. The high commissioner in turn imposed his views on the home government. Selborne, then, was the catalyst who translated African pressure on the 'periphery' into policy and the crucial link which tied the metropolitan government to this policy.⁷

Against both sets of critics – dependency and Africanist – Hyam has responded with vigour. We will examine his rebuttal to the latter first. Savaging Booth's article, he argued that Jacottet was simply stating the obvious – that the Basuto did not want to come under the control of white South Africa. Adding an *ad hominem* to his attack, Hyam questioned whether a foreign missionary with a neurotic family could influence the high commissioner. About the high commissioner's influence on London, Hyam asked rhetorically whether 'it is at all probable that Selborne would be able to persuade the government to change its mind, when the whole history of his high commissionership had been marked by the consistent rejection of his advice on almost every significant matter?'⁸ (This rhetorical formulation, of course, suppresses the fact that no other 'significant matter' up to that time had directly concerned African welfare.) Fortunately for Hyam, his evidence was more convincing than his speculations, and he did show that it was Lord Crewe rather than Lord Selborne who, in 1908, made the decision to retain the Territories for the while. Hyam's bolder declaration that the decision was metropolitan and that 'local pressures on the High Commissioner were purely secondary'⁹ is more problematic, for it takes insufficient account of the possibility that African pressure on the 'periphery' might have had more influence on the metropolitan government than on Lord Selborne. Against Booth, Hyam did score many points, but his final victory was incomplete.

Against the underdevelopment historians, Hyam's defence was somewhat less effectual. His most direct line of attack would have been against underdevelopment theory itself. Admittedly, Hyam could not, when he was writing, foresee that thirty years of independence would not result in the unambiguous and unmitigated underdevelopment of the high commission territories, nor would he have been able to read Bill Warren's brilliant critique of dependency theory which did not come out until a decade after Hyam's initial article. Nevertheless, even at the time, Hyam could have done better.

⁷ Alan Booth, 'Lord Selborne and the African Protectorates, 1908–1910', *Journal of African History*, 10 (1969), pp. 133–48.

⁸ Ronald Hyam, 'African interests and the South Africa Act, 1908–1910', *The Historical Journal*, 13 (1970), p. 93.

⁹ *Ibid.*, p. 86.

Instead, he offered two defences, both of which carried unfortunate repercussions. His first move was to sidestep dependency criticism and take refuge behind the shield of political history. Hyam did not deny that the Territories were subjected to severe economic pressure, but he claimed that such economic developments were irrelevant to his study, which was about the formal political retention of these regions by Britain. This line of defence neglects the interrelationship between political and economic phenomena and limits the significance of Hyam's own interpretation. If Hyam's first point of rebuttal unwittingly trivializes his argument, his second point actually undermines it. He charged underdevelopment historians with whiggism.

The new school of revisionist South African historians, led by Shula Marks and Martin Legassick is, it seems to us, in danger of adopting a neo-Whig interpretation as its basis. Being interested primarily in seeking the historical roots of today's system of white supremacy, the concept of a 'failure of South African expansion' – of its formal, political, territorial expansion between 1908 and 1961 – is one which holds only marginal interest for them. What really mattered, they say, was the success of informal economic and cultural influence in southern and central Africa, especially after 1961: and therefore that the real history of the earlier period ought to hinge upon tracing the crucial origins of that success story. Now whilst we do not deny that uncovering the origins of these informal ties is indeed an important exercise, the fact still remains that what South Africans *at the time* wanted, and primarily sought during the period down to the end of the 1950s, was formal political control of neighbouring territories, and that they failed to achieve this.¹⁰

The caution to historians to avoid imposing the present on the past is a good piece of advice and one which Hyam himself should have followed. For purposes of historical methodology, 'failure' is simply the reverse side of the whig coin. Hyam's work on the issue of transfer, which includes a book and two articles, is as much about Britain's successful containment of South African expansion as it is about 'the failure of South African expansion'. Indeed, the burden of his argument is that the high commission territories owe their present independence to the trusteeship which the Liberal government displayed in 1908 when it decided to withhold them from Union.

It is this whiggish approach to the problem of the Territories which prompts the present article. With the advantage of hindsight, it is far too easy to distort the historical context in which Britain's policy towards the Territories was made. The present effort revisits the question of imperial policy towards these regions during the union deliberations. It is not the purpose of this article to dispute Hyam's specific contentions, for, given whiggish premises, he is correct on all counts. It will not be denied that the decision to withhold the high commission territories from Union in 1908 was indeed taken by Crewe and the Liberal government. It will be argued, however, that, in the circumstances of the time, this decision was not as critically important as it became later. What in 1908 appeared far more significant for African welfare was the schedule

¹⁰ Hyam, 'Politics of partition in southern Africa', in Hyam and Martin, eds., *Reappraisals in British imperial history*, pp. 189–90.

setting out the terms of transfer, and this was primarily the work of Lord Selborne. Secondly, the present article does not embrace underdevelopment theory wholeheartedly nor does it contest that political independence has made a crucial difference to the people of Lesotho, Botswana, and Swaziland. It must be acknowledged, however, that the issue of transfer occurred in the context of capitalist development on the subcontinent. Indeed, it was the region's economic growth and modernization which fostered the movement towards union, and it was the closer union movement which made the status of the Territories problematic in the first place. The political dimension of South Africa's modernization entailed the expansion of government and the extension of the machinery of state. This tendency towards bureaucratization was clearly pronounced in Selborne's proposals regarding the high commission territories. Finally, after Hyam's work, one cannot plausibly argue that either the Reverend Jacottet or Lord Selborne persuaded London to withhold transfer, nor can one deny that the cabinet itself was deeply mindful of African considerations. One might suggest, however, that, while Hyam demonstrated the centrality of trusteeship in Liberal thinking, he understated the role of African pressure on the deliberations of the colonial office.

II

It is appropriate to begin with Britain's 'man on the spot' from 1905 to 1910 – the high commissioner, Lord Selborne. Exuberant about the subcontinent's economic prospects, Selborne was an enthusiastic proponent of material progress. As governor of the Transvaal during reconstruction, he proved himself sympathetically perceptive to the needs of the gold-mining industry, especially to its labour requirements. At considerable risk to his political career, this Unionist did all he could to thwart the attempt of his Liberal superiors to terminate the importation of Chinese labour. In his African policy, it is true, he never devised policies for the specific purpose of transforming blacks into mineworkers, nor was he unmindful of African interests. In the jargon of the political economists, he was more concerned with legitimacy than with accumulation, and the prevention of political disorder took priority over the creation of an ultra-exploitable proletariat for the Rand. (Of course, the stability Selborne sought accorded well with capitalist imperatives.) To achieve his objectives, he advocated the erection of a thoroughly modern structure of state.

What characterized Selborne's African policy, within the future Union and without, was the attempt to establish order through bureaucratic control. He sought specifically to place Basutoland, Bechuanaland, and Swaziland under the control of the Union's administrative system, thereby effectively incorporating them into the South African state, whatever their constitutional status. They would not, however, come under the rule of white South Africa, for, according to his design, 'native policy' would be run by experts, completely insulated from the Union parliament. This faith in bureaucratic benevolence

was the essential spirit which animated all of his proposals regarding the high commission territories. In a wide sense, it can be claimed that Selborne's policy reflected modern political tendencies of capitalism in the early twentieth century as much as it represented old liberal traditions of trusteeship.

The status of the high commission territories presented a problem which vexed Selborne as early as 1907. Early in that year Botha attended the colonial conference in London, carrying with him a memorandum stating the case for the incorporation of Swaziland into the Transvaal. Well aware of Boer designs on the region, the alarmed high commissioner sent a letter to Winston Churchill, then undersecretary of state for the colonies, to speak out against Botha's request in the House of Commons. In this missive, the high commissioner outlined clearly the status he envisioned for these regions before and after union.

The more I see of it, the more I am impressed with the great superiority of the power of the Imperial Government to deal with natives on a large scale as compared with the colonial governments. Swaziland ought never to be given to the Transvaal, nor Basutoland to the O.R.C., nor Bechuanaland to Cape Colony. When South Africa is federated, these Protectorates cannot be reserved out of the Federation, but it should be the special duty of the Imperial Government to see that part of the terms of Federation is the institution of a Native Department, strong in personnel, and as independent of parliamentary pressure as the judges, so as to make it quite safe for the Imperial Government to hand over those Protectorates to a Federated South Africa.¹¹

Though in the pre-union controversy regarding the issue of transfer, Selborne proved willing to modify his tactics, he never conceded the principle of insulating the Territories from white colonial rule. The quotation above contains the essence of his policy and the particular arrangements he would institute if he could.

The high commissioner reiterated this advice to Lord Elgin, colonial secretary until 1908. He stressed that the Territories must be treated as an integral part of the so-called 'native question' and for this reason, must, on the advent of unification, be placed under the control of a central native department. 'My present ideas', he added, 'are that the Native Department must be a fundamental part of the Federal Constitution, that the status and salaries of the permanent heads of it must be provided for exactly as in the case of the Judges of the Supreme Court'.¹² These views were fully compatible with his proposals regarding the strengthening of the control of the native affairs department over Transvaal Africans. In fact, when informed of a government bill to limit the governor's control over African affairs, he warned that 'this fact should be borne in mind in considering any requests formulated by my Government for the annexation of Swaziland by the Transvaal'.¹³ The strengthening of bureaucratic control over blacks was of central importance to

¹¹ Selborne papers, MS54, fos. 179–82, Selborne to Churchill, 18 May 1907.

¹² Selborne papers, MS50, fos. 63–7, Selborne to Elgin, 24 May 1907.

¹³ Public Record Office, Colonial Office papers (CO) 879/94/866, Selborne to Elgin, 19 Aug. 1907.

the high commissioner, whether in regard to the Transvaal or the high commission territories.

In his letter to Elgin, Selborne also tied the governance of the Territories to the broad question of African land rights throughout southern Africa. They were an integral part of the 'native problem' and might, Selborne considered, indicate a possible solution.

You must always remember that these great native reserves are very unpopular with the South African whites, whether Dutch or English. They call them a menace: they are really a safety valve; they say they are a hindrance to the spread of civilisation: I believe them to be exactly the contrary. The fact is that, with the exception of a very few, even the best of the Boers and the British cannot bear the idea of the natives owning land. But therein exactly lies the safety valve. Remember that in Natal, in the O.R.C., and in the Transvaal, every impediment will always be put in the way of natives owning land individually. Now, as the natives become less ignorant this naturally offends their sense of justice.

A few lines later he added:

I believe that the final solution to the difficulty in respect of the land will be not in the destruction of the native reserves but in their increase; that is to say, that the country will be divided into land where the natives may own it either tribally or individually and white may not, and visa versa. Mixed ownership, that is, alternately, farms white and black, will never be feasible I think as that plan would only lead to dangerous friction.¹⁴

This revealing passage shows that by May 1907 Selborne had come to accept territorial segregation for South Africa, apart from urban areas. While his advocacy of the reserve system might have stemmed from his pro-mining orientation, his frequent references to the desirability of stimulating individual tenure in the reserves demonstrate that he regarded such areas as much more than simply labour reservoirs. They provided not merely protection for the majority of Africans but also an opportunity to inculcate bourgeois values into those who would accept them. Most important to note is Selborne's close association of the land question with matters of control and security. It was this factor which induced Selborne to embrace the reserve policy in the Territories and in South Africa. The one capitalist aim which Selborne consciously sought to fulfil through the creation of reserves was to defuse white-black tensions, to promote stability. The reserves represented to Selborne more a safety valve than a labour pool. Finally, Selborne's advice to Elgin and Churchill shows the low esteem in which he held local white attitudes towards blacks. As the passage indicates, it was primarily European prejudice which induced Selborne to accept the prohibition on black landholding, even if individual, in white rural areas. The colonists, he feared, were neither just, nor wise.

The official posture of Selborne and his imperialist colleagues in South Africa on the issue of transfer was more ambiguous. In urging the high commissioner to prepare what later became the *Selborne Memorandum*, Cape ministers specifically enjoined the governor to find the best means 'of bringing about a

¹⁴ Selborne papers, MS50, fos. 63-7, Selborne to Elgin, 24 May 1907.

central national Government embracing all the Colonies and Protectorates under British South African administration'.¹⁵ The result of this request was, of course, the *Memorandum* promulgated in Selborne's name. Though the *Memorandum* itself made no explicit reference to the Territories, it cited as one advantage of union the ease of expansion it would afford towards the Zambesi.¹⁶

In an expansive memorandum to Smuts in early 1908, the governor stated that African affairs should, as far as possible, be removed from the control of white politicians, whose legislation was 'some times unjust, and often unwise'. The best device for administering blacks, he argued, was a strong native affairs department, with a permanent head. It should be answerable not to parliament but to the prime minister, who 'should only satisfy himself that the general principles being followed are sound'.¹⁷ In this way, parliamentary control over Africans would be minimized. Selborne here was, of course, referring to blacks within the proposed Union, but, as he indicated in his letter to Elgin, Africans in the high commission territories should be placed under the same central instrument of protection and control.

Fear of South African ambitions towards these regions preoccupied the high commissioner in the months preceding the closer-union convention. This consideration, more than pressure from either Liberals or Basuto, shaped his policy recommendations. Early in May 1908, Selborne heard that at the intercolonial conference, John X. Merriman, prime minister of the Cape, urged his colleagues to refrain from bringing up the question of transfer until federation or unification. Then, South Africa, he stated, would be strong enough to claim the regions, after the fashion of the 'Monroe Doctrine'. On the eighth of the month, Selborne argued that to frustrate Merriman's designs, Britain should prepare its own terms immediately and insist on them at the national convention.¹⁸

Ten days later, Selborne sent home a thoughtful letter in which he articulated the dilemma before imperial statesmen and his solution to it. Observing that the high commission territories had been 'scrupulously loyal' after having come voluntarily under the crown, the high commissioner declared that there is a clear and paramount obligation of honour on the part of His Majesty's Government not to devolve the responsibility for the administration of these territories on any other authority than themselves without complete assurance that the terms of

¹⁵ Basil Williams, ed., *The Selborne Memorandum: a review of the mutual relations of the British South African colonies in 1907* (London, 1925), p. 6, cover letter from Hely-Hutchinson (governor, Cape) to Selborne; enclosure: minutes from Jameson, 28 Nov. 1906.

¹⁶ *Ibid.*, pp. 140–5 (published text of *Memorandum*). Alan Booth and Leonard Thompson suggest that the *Selborne Memorandum* definitely envisioned the incorporation of the Territories into the Union on its foundation. Aside from the Cape's letter, already cited, there is no evidence to support this. See Booth, 'Lord Selborne', p. 135, and Leonard Thompson, *The unification of South Africa, 1902–1910* (Oxford, 1960), p. 67.

¹⁷ Smuts papers, 187/61/1908, Selborne to Smuts, 1 Sept. 1908; enclosure: 'Notes on a suggested policy towards coloured people and natives.'

¹⁸ CO 417/458/19782, Selborne to Crewe, 8 May 1908. See also Booth, 'Lord Selborne', pp. 137–8.

such a devolution will fulfil all the conditions which the chiefs and peoples of these territories have a right to expect.

On the other hand, he noted, the failure to include these regions in the proposed union would lead to ‘friction and increasing friction’, which would be injurious not only to British–South African relations but also to the Territories themselves. Unequivocal as to where his priorities lay, he stated

that if unhappily, I had to choose between the two evils, the risk of friction consequent on the non-inclusion of the native territories within the system of a Unified South Africa and a breach of faith with the chiefs and people of these territories, I would unhesitatingly choose the former alternative.

He was certain, however, that these divergent aims could be reconciled. He recommended including the Territories in the Union on terms which would guarantee the present form of administration, with full protection for their land and socio-political system. ‘The method of their inclusion and the form of their government’, he argued, ‘should be a fundamental part of that constitution [the Union’s] or they should not be included in it at all.’

In tones similar to those he used with Smuts earlier, Selborne, in his 18 May dispatch, castigated direct government by a white parliament as ‘the very worst form of government’ for them. White politicians did not understand African problems, and white interests were often ‘directly antagonistic’ to black interests. The best type of government for these regions, he claimed, was the one at present employed – indirect government by a white parliament, with the actual administration entrusted to carefully selected experts, ‘thoroughly trusted by the natives and thoroughly understanding the natives’. No legislation, he pointed out, was passed for the high commission territories except on the advice of these officials. At the same time, the imperial parliament stood as the ultimate authority to ‘correct abuse’ if necessary and to ensure that officials never became ‘irresponsible autocrats’.

What Selborne suggested was simply substituting the South African for the imperial government as the superintending agency over the Territories. Transfer to Union would therefore entail no change whatsoever in the actual status and treatment of them. The high commissioner was under no illusions as to the benevolence to be expected from the Union legislature, but he hoped that its power over the regions would be circumscribed by provisions written into the South African Constitution. Specifically, Selborne’s scheme provided for the establishment of a three-member high commission to rule the territories. Selected by the governor-general on the advice of his ministers, commissioners would be removable only upon addresses from both houses of parliament and on grounds of ‘proved misbehaviour or incapacity’. The high commission, in turn, would appoint personnel for the administrative staff of the Territories. Government would be by proclamation from the governor-general in council, ‘provided that no Proclamation shall be issued or made except upon the recommendations of the High Commission’. Thus, no measure could be imposed on the regions unless both the cabinet *and* the high commission

concurrent. Moreover, all legislation affecting the Territories would be reserved for his majesty's pleasure.¹⁹

The scheme which Selborne outlined can be criticized on a number of grounds. First, South African politicians would be able to shape the commission through the appointment and removal of officials. While, however, Selborne conceded enough power for white politicians to adversely affect the Territories' interests, he did not delegate enough to avoid white resentment. The large role which Selborne's proposal accorded to the 'imperial factor' was not likely to please South African opinion, which would, it could be predicted, resent the encroachment on self-government. Nor could the Union parliament be expected to acquiesce in the limitation of its powers by the bureaucracy which Selborne proposed. Deadlock was quite possible, especially if the system functioned as predicted. If the South African parliament proved as avaricious as he thought and the high commission as high-minded as he hoped, then an impasse would result. In short, only South African acquiescence would enable the commission to function according to plan, and it was precisely this factor – South African opinion – which Selborne sought to minimize.

And yet, the scheme might have worked in altered form or in the different circumstances which time might bring. A strong prime minister or cabinet might be willing and able to bolster the commission and protect it from parliamentary pressure. There was the possibility, which Selborne envisioned, that 'progress' would elevate the consciousness and conscience of white South Africa. Moreover, in the historical context in which Selborne made his proposals, his assumptions regarding the retention of imperial influence, the bureaucratization of African policy, and the progressive enlightenment of South Africa were not outlandish.

In the late nineteenth century it was widely believed in all South African colonies that African administration should be differentiated from that of whites and conducted along the lines of benevolent despotism. Above all, 'native affairs' must be taken out of party politics. In 1871 Basutoland was annexed by the Cape on the understanding that no act of the Cape parliament was to be extended to that region unless expressly stipulated. When in 1880 the Cape applied the disarmament act to the territory, the Basuto rebelled, thus confirming the wisdom of insulating African affairs from a white legislature. When, a few years later, the Transkei was incorporated, it was legally differentiated on terms which enhanced the power of appointed magistrates and bureaucrats. Chris Saunders expressed this development well. 'Cape liberalism survived, but as a force for enlightened paternalism rather than one which contemplated an end to white domination.'²⁰

The incompetence of colonial assemblies in regard to African policy was dramatically demonstrated in 1905 when Natal sparked the Bambatha rebellion by imposing a poll tax on all adult African males. The Natal native

¹⁹ CO 417/458/20630, Selborne to Crewe, 18 May 1908.

²⁰ C. C. Saunders, *The annexation of the Transkeian territories*, in *The Archives Year Book for South African History* (1976), p. 172.

affairs commission recommended in 1907 that the position of the governor as supreme chief be strengthened and made more independent of parliament and colonial laws. It also proposed the creation of a council of native affairs to advise the government, and it further suggested that the position of the secretary for native affairs be made permanent. These proposals passed the Natal parliament as act no. 1 of 1909. Shula Marks noted that, 'In all this, there was some attempt to take 'native policy' out of the hands of the settlers.'²¹ It was more than coincidental that at exactly the same time Selborne was devising a strikingly similar scheme for the Union.

One might still object that, while the policy of differentiation was gaining force in South Africa, it was none the less unrealistic to propose the enhancement of imperial power. Even this criticism assumes, rather whiggishly, the inevitability of imperial retreat. At the time the future role of the imperial government, especially if the empire itself were brought into a closer union, was not so clear. It is interesting to note that in 1923, the British government was unwilling to renounce its control over Rhodesia's 'native policy', despite the implementation of self-government. Claire Palley, the authority on Rhodesia's constitutional position, concluded that in matters such as the allotment of reserve land, labour laws, and the preservation of the African franchise, the imperial government, acting through the high commissioner, was an effective and positive force in protecting African interests.²²

Finally, Selborne's expectation that his policy would one day find favour with South African statesmen was fulfilled, though not with the spirit of liberal paternalism that he hoped would animate it. In 1917 the Botha government proposed a native administration bill; this provided for, among other things, an 'expert commission' to advise the government, which would have the power to rule by proclamation over the head of parliament. The bill did not pass the Union legislature until 1920. When Smuts introduced the measure then, he made specific reference to similar provisions in the schedule.²³

The Union proposals were, of course, part of a wider effort to segregate completely Africans from whites. Regrettably, white South Africa deployed Selborne's ideas far less benevolently than he had envisioned. The expectation that time would enlighten the minds and warm the hearts of South African whites proved a forlorn hope. There was nothing, however, implausible about Selborne's vision in 1908. Misplaced confidence in future progress often looks ludicrous when viewed retrospectively through the tunnel of time.

²¹ Shula Marks, *Reluctant rebellion* (Oxford, 1970), p. 343.

²² Claire Palley, *The constitutional history and law of Southern Rhodesia, 1888-1965* (Oxford, 1966), pp. 232, 238-46.

²³ C. M. Tatz, *Shadow and substance in South Africa: a study in land and franchise policies affecting Africans, 1910-1960* (Pietermaritzburg, 1962), pp. 28-34.

III

Lord Crewe himself considered Selborne's advice seriously and deliberated for five months about the Territories' fate. It was not until October that he conveyed the cabinet's decision to the high commissioner. The regions were to be retained temporarily by the imperial government, but a schedule would be annexed to the South Africa Act, stipulating the terms and conditions of transfer in the future. After Hyam's authoritative article, there is no need to recount the steps by which the colonial office came to its decision. Suffice it to say that Booth's thesis – that African pressure on Selborne led him in turn to pressure the imperial government to withhold transfer – is incorrect. The decision to postpone transfer was indeed made in London.

Two points must, however, be added to Hyam's account. First, the African factor that Booth cited exercised an important influence on the decision-making process.²⁴ Indeed, it carried more weight with the Liberal government than with Selborne. By late May several Tswana chiefs, as well as the Swazi queen regent, Labotsibeni, and Letsie Moshesh, paramount chief of the Basuto, declared their opposition to transfer.²⁵ On 2 July 1908, H. W. Just at the colonial office warned that 'A Basuto rising of a very formidable character might easily take place as the result of handing over the Basutos to the Federal Government without their consent.' He further advised securing the consent of the Tswana chiefs. Crewe himself felt that African opposition made transfer impossible in present circumstances.²⁶

Selborne was forthright in his disagreement, declaring to his superior: ... under no circumstances would I allow Basutoland, much less the Swazi, to put a veto on inclusion. Natives must be regarded as children in such matters and it would be a cruel thing to throw on them responsibility of a decision which might be wholly contrary to their true interest in a matter which they are not really competent to understand.²⁷

Though the South Africa Act did not make African consent a prerequisite for transfer, the Liberal government promised parliament that the inhabitants of the Territories would be consulted before any alteration in the status of their regions. However much Selborne discounted African opinion, the Liberal government took it seriously and regarded it as a relevant consideration in their decision.

The second qualification to Hyam's thesis is the simple observation that the decision to withhold the Territories from the Union initially was not a

²⁴ As mentioned above, Dr Hyam certainly recognized the importance of the African factor, but it would seem that African pressure was even more effective and influential than he allowed.

²⁵ CO 879/96/890, Elgin to Selborne, 23 Nov. 1907; enclosure: deputation meeting with Elgin, 21 Nov. 1907; CO 879/97/897, Selborne to Crewe, 1 June 1908; enclosure: Moshesh to Sloley, 12 May 1908; Selborne to Sloley, 26 May 1908; CO 879/97/879, Selborne to Crewe, 22 June 1908; CO 879/97/897, Selborne to Crewe, 20 July, 1908; enclosure: Sebele to Panzera (Resident Commissioner), 23 May 1908; CO 879/97/897, Selborne to Crewe, 24 Aug. 1908; enclosure: Coryndon to Selborne, 7 Aug. 1908.

²⁶ CO 879/106/925, memo by Just, 2 July 1908; CO 879/106/900, Crewe to Selborne, 17 July 1908.

²⁷ CO 417/459/26, 833, Selborne to Crewe, 23 July 1908.

particularly contentious decision. To be sure, Botha seemed anxious to incorporate these regions. As we have seen, he had attempted to secure Swaziland for the Transvaal in 1907. Many other South African politicians, however, favoured postponing transfer – ironically for reasons quite contrary to those which guided London. At Merriman's suggestion, the intercolonial conference of May 1908 unanimously agreed to avoid raising the issue until after Union had been established, for then South Africa would be in a much stronger position to demand the Territories. Though Smuts hoped that the regions would be included in the Union, he was by no means counting on it.²⁸ Thus, it can hardly be said that Crewe was upholding African interests against stiff opposition. He was pushing a door that swung open quite easily.

In retrospect, the crucial question concerning the high commission territories was whether to include them in the Union on its foundation. The subsequent course of events has infused this particular decision with more importance than it possessed at the time. In 1909, it was assumed by all statesmen – Unionist and Liberal, British and South African – that sooner or later the regions would be transferred. The timing of incorporation was no doubt an important matter but, as we have seen, not one upon which South African politicians would be insistent. Most important and more controversial to all parties in 1909 were the terms under which transfer would take place and the conditions under which these regions would be governed thereafter. The burning question which confronted the convention delegates, as well as imperial authorities, was not whether the Territories would be incorporated, not even when they would be, but, rather, how they would be.

It was the schedule which aroused the most controversy at the Union proceedings, and it was Selborne who proved most adamant in keeping the African inhabitants of these regions permanently insulated from the white parliament. At times, Crewe feared that Selborne's pursuit of African interests threatened to jeopardize the entire proceedings for closer union. In October 1908 Crewe warned the high commissioner against insisting too strongly on a completely independent commission to administer Africans in the Territories. To do so 'might wreck the whole movement for closer union'.²⁹

Crewe's caveat arrived after Selborne had already initiated discussion on the transfer issue with De Villiers, the convention president. On 26 October Selborne prepared a memorandum summarizing the provisions he had proposed to De Villiers. This stated unequivocally that transfer would not be effected immediately and that when it was, the governor-general-in-council rather than the Union parliament would take over the Territories. The whole of Basutoland, as well as the reserves of the Bechuanaland Protectorate and

²⁸ Thompson, *Unification*, p. 91; W. K. Hancock and Jean van der Poel, eds., *Selections from the Smuts papers* (Cambridge, 1966), II # 398, p. 485, draft constitution, Aug. 1908. E. A. Walker suggests that Smuts, in these drafts, intended the Territories to be included in the Union, but the present author finds the evidence pointing the other way. See Eric Walker, *Lord De Villiers and his times: South Africa, 1842–1914* (London, 1925), p. 439.

²⁹ CO 879/106/900, Crewe to Selborne, 16 Oct. 1908.

Swaziland were to be inalienable, and the national council of Basutoland was to be maintained. Other terms included the reservation to each territory of its share of customs and the prohibition of liquor. Legislation for the regions was 'to be only by the Proclamation of the Governor-General in Council on the recommendation of the Commission'. The prime minister was simply to 'superintend' the commission's work and to answer any questions in parliament regarding it. The following day, when De Villiers acknowledged receipt of the memo, he promised not to disclose its contents until Selborne advised.³⁰

Selborne intentionally refrained from discussing the status of the Territories with the convention's delegates until they had reached a decision on the Union franchise. Once they had, in early November, he arranged to have separate interviews with six of the leading delegates: Botha, Smuts, Farrar, Jameson, Merriman, and Fischer. Governor Nathan, meanwhile, interviewed F. R. Moor, the prime minister of Natal. Each man was given a copy of Selborne's memorandum of 26 October. Farrar and Jameson were the only ones who expressed their ready acceptance. Moor would postpone the issue altogether. Botha, Smuts, and Fischer expressed a desire for immediate transfer. There was little criticism of the provisions safeguarding African land and tribal institutions, though Fischer wanted it to be permissible to relocate tribes, with their 'general consent'. As Crewe had predicted, however, the autonomous position and extensive powers of the proposed commission came under vigorous attack by Fischer, Merriman, Smuts, and Botha. Demanding that the governor-general-in-council be recognized as the supreme authority over the Territories, these delegates would allow the commission to simply make policy recommendations. Merriman, for example, predicted that there would be great parliamentary jealousy towards the commission, with deadlock the probable result. On the last day of November, Selborne was informed that the prime ministers of the Orange River Colony, the Cape, and the Transvaal all explicitly urged that the commission be 'purely advisory', that it not engage in administrative duties. Selborne refused to yield and the wrangling continued.³¹

Finally the convention's president asked point blank whether Britain would refuse to pass a South African Act without the inclusion of transfer terms. This, the high commissioner replied, would 'result in [a] very regrettable delay, and would make the position unquestionably difficult and seriously embarrassing'. On 17 November he punctuated the point by reciting to De Villiers the colonial secretary's own words:

it would be practically impossible to secure the assent of the House of Commons and the Country here to any Constitutional Act which failed explicitly to provide for the

³⁰ Selborne papers, MS61, fos. 53–60, Selborne to De Villiers, 20 Oct. 1908; CO 879/106/925, Selborne to Crewe, 28 Dec. 1908; enclosure: De Villiers to Selborne, 27 Oct. 1908.

³¹ Botha, Smuts, and Farrar represented the Transvaal; Jameson and Merriman, the Cape; and Fischer the Orange River Colony; CO 879/106/900, Selborne to Crewe, 6 Nov. 1908; CO 879/106/925, Selborne to Crewe, 28 Dec. 1908; enclosure: Selborne to De Villiers, 17 Nov. 1908 and De Villiers to Selborne 30 Nov. 1908.

security of the native population in the Protectorates, so that inclusion of these safeguards must be regarded as a necessary condition.³²

Through the high commissioner, Britain made it clear to South Africa that the formulation of proper safeguards for the Territories was essential.

The issue of transfer first came before the national convention on 10 December, when it appointed a committee to prepare a draft schedule. Two days later, Selborne received its preliminary draft. Under this, the governor-general-in-council was empowered to legislate for the Territories, but parliament was given a veto over all legislation. Charged with the administration of these regions, the prime minister was to be 'assisted' by the commission, which he was required to consult 'before coming to a decision on any matter relating either to the administration, other than routine, or to legislation for the said territories'. It would, however, be lawful in any emergency for the prime minister to act without consulting the body. The rest of the safeguards, such as those relating to land, were retained as before.³³

Selborne predictably had several criticisms of this attempt to increase parliamentary control and to diminish that of the commission. None the less, the draft schedule passed the convention on 17 December with few amendments. In its final form, it conferred the governance of the Territories on the prime minister, who was to be advised by the commission.

Unhappy with the diminution of the commission's status, Selborne advised Crewe to study the scheme carefully before approving it, bearing in mind the question:

Is it or is it not to leave the Parliament of the Union free without reference to [the] Commission to legislate for the Protectorates? If it is not then all is well. If it is, what amendments are necessary to put the matter straight? You have stated to me privately that it is inadmissible that the Parliament of the Union should legislate or [for] the wholly unrepresented native territories and I entirely agree with you and have steadily maintained this position throughout.

Selborne would not give South Africa the last word on the subject. It was 'well understood,' Selborne reported, that Britain had reserved the freedom to propose alterations in the schedule. De Villiers had, in fact, 'clearly explained' to the convention that the plan would be subject to modification by the imperial government.³⁴

Moving in the opposite direction, De Villiers hoped that the schedule would be revised to increase the power of the South African parliament over the Territories. He worried that the colonial parliaments might find it difficult to pass the schedule. As he recounted to Selborne when reporting on the convention's proceedings,

³² CO 879/106/900, Selborne to Crewe, 6 Nov. 1908; CO 879/106/925, Selborne to Crewe, 28 Dec. 1908; enclosure: Selborne to De Villiers, 17 Nov. 1908.

³³ Ibid., enclosure: De Villiers to Selborne, 12 Dec. 1908.

³⁴ CO 879/106/900 (No. 452), Selborne to Crewe, 18 Dec. 1908; *ibid.* (No. 451), Selborne to Crewe, 18 Dec. 1908; *ibid.* (No. 452), Selborne to Crewe, 18 Dec. 1908.

There [was] considerable difficulty in inducing the Convention to accept them [terms] the main objection being that they display great distrust of the people and future Parliament of South Africa in their dealings with native tribes. It is difficult enough, it was said, to induce the existing Parliaments to ratify the general conclusions of the Convention and this difficulty will be greatly increased when it becomes known that the provisions of the Schedule display such distrust of the future South African Government and Parliament. I am sure therefore that any future modifications in Resolutions in the direction of showing greater confidence in the justice of the European people would be greatly appreciated and would facilitate ratification of Convention proposals by the existing Parliaments.³⁵

For the sake of relations with South Africa, for the sake of Union, and for the sake of negotiations, Britain was urged to show greater trust in white South Africa.

Though Selborne doubted that the embroglio over the schedule would jeopardize the convention, Crewe was less confident. ‘Somewhat disturbed’, by De Villiers’s letter, he cautioned Selborne to ‘be most careful not to give an opportunity to the Colonial Parliaments of rejecting proposals of Convention on the ground that His Majesty’s Government have shown distrust or have been too exacting’. Like Selborne, he believed that the final decisions would be made in London. He indicated, however, that if the convention’s proposals approximated Selborne’s telegraphic summary of them (which they did) then ‘the final negotiations will be much simplified’. Until that time, he felt it important to keep British interference to a minimum and to ensure that the suggestions which did emanate from imperial officials be kept unofficial and informal. ‘It is their Convention, not ours, and His Majesty’s Government is not a party to it.’³⁶

Privately, Crewe expressed great concern about Selborne’s persistent attempt to keep the commission as independent as possible of a South African parliament. In late December 1908 he had expressed his worry to Churchill.

Now we have never adopted Selborne’s plan of a permanent independent Commission, though we have authorized him to discuss it unofficially, and I believe it would be a good solution in itself... To drop it now would be to throw over Selborne entirely, with the possibility of his appearing as the defender of native rights against us, who are willing to throw them to the wolves. I can see an excellent Tory–Radical combination formed out of this.

Churchill buoyed up the colonial secretary, assuring him that ‘Selborne will obey instructions however unpalatable like a soldier, as I know from past experience.’ Unlike Selborne, Crewe did not seem preoccupied with plugging the breaches through which a grasping Union legislature could reach for the Territories and then tighten the grip. He was clearly more anxious that Selborne’s adamance would so alienate white colonists as to endanger union. Crewe also realized that the high commissioner was deeply concerned about the Territories and, more particularly, about the effectiveness of the com-

³⁵ CO 879/106/900 (No. 452), Selborne to Crewe, 18 Dec. 1908.

³⁶ *Ibid.* (No. 456), Crewe to Selborne, 23 Dec. 1908.

mission. Moreover, the colonial secretary was also alive to the various factors, such as the political situation in England, which put Selborne in a position of some influence in this matter.

Lord Crewe did feel confident enough to reject outright Selborne's suggestion that a strongly worded letter be sent to the convention. Crewe told him that the government warmly appreciated the labour and interest he had taken in the whole question and assured the high commissioner that, 'The aims you have in view on behalf of the native populations reflect the policy of His Majesty's Government.' He advised the proconsul, however, that a letter framed as stiffly as Selborne proposed would amount to too much imperial interference.³⁷

Selborne attempted one more time to strengthen the commission. Three months after the Durban session of the national convention had adjourned, Selborne sent Crewe a revised plan for his commission, by which the prime minister would sit on it. In April, Selborne urged London that, as its hands were free, it should insist on making the commission more than 'purely advisory'. Quite alarmed, Colonel Seely, the undersecretary of state for the colonies, minuted:

Lord Selborne, obviously, completely misapprehends the attitude of H.M.G. and great harm may result unless he is enlightened How great is the danger of conflict can be seen by comparing the state of mind of Lord Selborne as disclosed in this despatch of his, with the state of mind of the President of the Delegation as shown by his letter to Lord Selborne of Dec. 19th It will be observed that, with the minor exception of the proposal relating to Clause 7, all Lord Selborne's suggestions shew *less* confidence in the justice of the European people in South Africa, whereas Sir H. De Villiers pleads that any amendments should shew *greater* confidence.

Seely further affirmed that HMG agreed with the latter. In May Crewe telegraphed Selborne that, as his revised proposals showed too little trust in white South Africa, his majesty's government could not support them.³⁸

In April of 1909 the South African parliaments discussed the schedule. The prime ministers, including Merriman, defended it fully. There was little criticism of it, but there were a few politicians who felt the terms far too favourable to the Africans. In the Cape parliament, Mr De Kock urged that the extensive land in Bechuanaland could be used to solve the 'poor white problem'. Mr Winter in Natal lamented the lack of a clause restraining ethiopianism. In the same house, Mr Armstrong expressed his agreement that this danger be checked. 'The Basuto', he declared, 'were suffering already from swollen head.' In the Transvaal, Sir George Farrar urged that Swaziland be put on a separate footing and be incorporated soon.³⁹ Despite these criticisms, the schedule readily passed all colonial parliaments. After the

³⁷ Randolph S. Churchill, ed., *Winston Churchill* (London, 1969), *Companion*, vol. II, pt 3, pp. 858–9, Crewe to Churchill, 29 Dec. 1908; *ibid.*, pp. 865–6, Churchill to Crewe 3 Jan. 1909; CO 879/106/934, Crewe to Selborne, 27 Jan. 1909.

³⁸ CO 879/106/925, Selborne to Crewe, 1 Mar. 1909; enclosure: Selborne to De Villiers, 11 Jan. 1909; CO 417/471/12442, Selborne to Crewe, 22 Mar. 1909; Selborne to Crewe, 10 April 1909; minute by Seely, 20 Apr. 1909; and Crewe to Selborne, 14 May 1909.

³⁹ CO 879/100/927, Selborne to Crewe, 3 May 1909.

Bloemfontein session of the national convention, the entire South Africa Act was ready to be taken to London for submission to the colonial secretary and the imperial parliament. The terms submitted were essentially those agreed to by the national convention in December.

If Selborne was discontented with the schedule, he could at least take satisfaction from the dissatisfaction of the South African delegates. When they came to Britain in July, De Villiers asked if the schedule could be dropped. Bolstered by Selborne's previous adamance with the South African statesmen, Crewe responded with a firm refusal.⁴⁰ The schedule remained an integral part of the South Africa Act when passed by both Houses of Britain's parliament in 1909.

IV

The question of Selborne's lasting contribution to Africans in the high commission territories is not central to the present inquiry. If, however, one were to engage this whiggish question, one could argue that, though it never came into operation, the schedule proved quite significant in future negotiations with the Union. Since Union governments were reluctant to implement its terms fully, the schedule enabled successive British statesmen to thwart persistent South African overtures to acquire the regions.⁴¹ Hyam himself wrote, 'The Schedule was the Africans' charter, their guarantee that the principles of British trusteeship towards them would be preserved.'⁴² One might also argue counterfactually that the Territories would have been even safer if the commission had already been brought into existence, as Selborne had advised. Instead, Britain took no initiatives to create a coherent administrative system for the high commission territories, convinced as it was that transfer was inevitable in the future. The unhappy effects of this have been brought out by many scholars and administrators.⁴³ Especially sharp was the criticism of Sir Alan Pim, sent out by Britain in 1934 to investigate the situation. His report, published in 1935, complained that 'the Basuto received protection without control'.⁴⁴

However beneficial the final result of Liberal actions regarding the regions, it would seem that Crewe's policy had some unfortunate and unintended side effects.

None the less, it is clear that the best guarantee of the Territories' welfare was their continued retention by Great Britain. Selborne himself came to this conclusion, as shown by his *volte face* in 1933 when he denounced transfer in the House of Lords. On this occasion he emphasized the importance of African opinion on this issue. (The schedule contained no provision for this.) What had changed his mind was the native policy of J. B. Hertzog, Union prime minister.

⁴⁰ Thompson, *Unification*, pp. 407–14.

⁴¹ Hyam, *Failure*, pp. 29–36.

⁴² *Ibid.*, p. 19.

⁴³ For an example of recent criticism, see L. B. B. J. Machobane, *Government and change in Lesotho, 1800–1966: a study of political institutions* (London, 1990), pp. 17–87.

⁴⁴ Sir Alan Pim, 'Financial and economic position of Basutoland', Cmd. 407 (London, 1935); quoted in Machobane, *Government and change*, p. 183.

It was, Selborne believed, Hertzog's aim to create an Afrikaner state 'no more advanced than Elizabethan England', with no contact with the outside world and where every black person was 'to be the helot of the chosen people'.⁴⁵

It is also clear that the political destiny of each territory has had extensive consequences for its peoples and a decisive impact on its social and economic conditions. Political independence has made a difference!⁴⁶ In the case of Botswana, Philip Steenkamp has shown that while the gap between rich and poor has grown, so has the prosperity of the country as a whole due largely to the growth of the livestock industry. Differentiation is a sign not of underdevelopment but of uneven development. Steenkamp concludes that 'Botswana, once an impoverished, backward dependency on a remote fringe of the Empire, is today a rich, democratic and independent state.' It was, in Steenkamp's opinion, the development projects undertaken in the 1930s by L. S. Amery at the colonial office and Charley Rey, the resident commissioner, that laid the foundation for future Botswana growth.⁴⁷

Although differentiation between rich and poor has increased in Swaziland, the territory's economy has prospered overall since independence. Over the past three decades, it has sustained an impressive rate of growth, which has substantially exceeded the rise in population. This has been assisted by the existence of an effective infrastructure, especially a reliable transportation network of roads and rail erected in the 1960s. Foreign investors have found Swaziland quite attractive. The economy itself has diversified away from mining to include sugar, woodpulp, and, more recently, chemicals. Though a large number of Swazi males provide migrant labour for South Africa, they do so by choice because of the high wages offered there. As a result a large number of employment vacancies in Swaziland are filled by migrants from Mozambique.⁴⁸ The difference which independence has made is starkly revealed in a comparison between the living standards of those Swazi residing across the border in the Republic with those in Swaziland.⁴⁹

Even Lesotho, to which dependency theory can be plausibly applied, has experienced a degree of economic success since independence. In the late 1970s, the wages of its migrant labourers in South Africa increased sharply, while at the same time, its agricultural production doubled.⁵⁰ Moreover, according to a recent scholar, Lesotho could have reduced its 'dependency' if its rulers had enacted the appropriate economic measures to do so. Its 'dependence' was, therefore, more a matter of political will than of economic inevitability.⁵¹

⁴⁵ *Parliamentary Debates* (Lords), vol. 88, cols. 1128–9, Selborne's speech, 26 July 1933; Selborne papers, MS191, Reminiscences, 1937, p. 146.

⁴⁶ For a recent affirmation of this see the criticism of dependency offered by Ronald T. Libby in *The politics of economic power in southern Africa* (Princeton, 1987), pp. 3–61, 109–81, passim.

⁴⁷ Philip Steenkamp, 'Cinderella of the empire?' Development policy in Bechuanaland in the 1930s', *Journal of Southern African Studies*, 17 (1991), p. 307 and pp. 292–308, passim.

⁴⁸ See Maasdorp, 'Swaziland,' pp. 218–36, passim.

⁴⁹ See Hugh Macmillan, 'A nation divided? The Swazi in Swaziland and the Transvaal, 1865–1986', in Leroy Vail, ed., *The creation of tribalism in southern Africa* (London, 1989), p. 315.

⁵⁰ Ketso, 'Lesotho', p. 248. ⁵¹ Johnston, 'State and development', pp. 120–21, 133–5.

None of these developments was foreseen by Selborne or even Crewe. In the historical context of 1909 the schedule appeared the most definite and permanent way to protect these regions. Almost all politicians, after all, contemplated eventual transfer. Selborne's thinking on this issue was clearer than Crewe's, his insight deeper, and his judgement sounder. And yet, events have proved Selborne mistaken and Crewe correct – a fine example of irony in history but one which the whig historical method necessarily obscures.