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## **'Non-racialism' : Botswana, Lesotho and Swaziland**

**S. B. Ngcobo**

The newly independent states of Botswana, Lesotho and Swaziland have adopted constitutions, which are said to be race and colour-blind, and a policy of non-racialism in that legislation ignores differences of race and colour among the people within their states. A negative definition of non-racialism is contained in a speech by the Vice-President of Botswana, Dr Q. K. J. Masire, delivered to the expatriate community in Francistown:

Non-racialism means what it says. It means that minorities, whatever their colour, will be protected from oppression. But it certainly does not mean that minorities can be permitted to preserve in independent Botswana the pattern of social and economic discrimination which obtained in colonial days and which still obtains in neighbouring countries which have not yet achieved majority rule. If we permit racist attitudes to go unchecked in an avowedly non-racial society the majority of our people will lose faith in non-racialism, and our hopes of achieving a permanent climate of tolerance, harmony and unity will be dashed. Such a climate is required not only to fulfill our national principles, but also to achieve the stability necessary for successful development in the interests of all our people.<sup>1</sup>

Before analysing the constitutions of these states, let me try to indicate why the leaders of the governments of these states have thought it prudent or necessary to adopt non-racialism,<sup>2</sup> and what the dimensions of this policy are.

### **CONCEPTS**

From time to time certain conceptual terms or expressions have been adopted to indicate the relationships between the rulers and the ruled in several African countries. In this connection I am thinking of such concepts or terms as guardianship, wardship, trusteeship and segregation, which were subsequently followed by white racial supremacy, apartheid, multiracialism and non-racialism. According to guardianship and wardship the white rulers regarded themselves as the guardians of the African population, and the terms were occasionally used by the minister of what used to be called the Native Affairs Department in South Africa, my home country. Trusteeship became popular from the time of the founding of the League of Nations when certain territories, such as South West Africa, were described as a sacred trust of civilisation; I remember a member of the South African Native Affairs Commission (now the Bantu Affairs Commission) who proudly described the South African policy as being based on trusteeship, which term subsequently found its way into several

legislative enactments in South Africa. Segregation does not need detailed explanation, for we all know more or less what it means in practice in Rhodesia. These conceptual terms, guardianship, wardship, trusteeship, segregation need no further elaboration on my part because they are no longer in current usage. But the terms, white supremacy or white racial supremacy, apartheid, multiracialism and non-racialism are still very much with us. For example, the students at Witwatersrand University are thinking of running their societies on a basis of multiracialism by which they mean mixed participation by all the students of different racial groups or racial categories. The point that I want to make about these terms with their shorthand means of describing the basis or the essence of the political relationships between those who rule the country, mainly the Whites, and those who are ruled, mainly the black Africans, is that they have been the subject of discussion and debate by African political leaders and movements.

For example, in South Africa in 1949 there was a break-away movement from the African National Congress under the leadership of Robert Sebekwe called the Pan-Africanist. The African National Congress was said to adhere to a policy of multiracialism. The Pan-Africanist on the other hand wanted a policy of the Africans going it alone on the grounds that the whole weight of apartheid, segregation or separation was borne by the Africans; and in the course of that controversy in South Africa it became possible to define what the policy of white supremacy and segregation, subsequently apartheid, meant to the African leaders. Here in Rhodesia there was the debate about multiracialism and partnership; further north there was the debate about colonialism and imperialism, and in that way the African leaders elucidated for themselves, their followers and the rest of the country, what they objected to and what they stood for, and more importantly the direction of policy which they would take if and when they came into power. It was Prime Minister J. G. Strydom who articulated in 1953 the doctrine of Witbaaskop (white supremacy) in South Africa:

Our policy is that the Europeans must stand their ground and must remain the Baas [Master] in South Africa. If we reject the Herrenvolk idea and the principle that the white man cannot re-

main Baas, if the franchise is to be extended to the non-Europeans, and if non-Europeans are given representation and the vote and the non-Europeans are developed on the same basis as the Europeans, how can the European remain Baas. Our view is that in every sphere the European must retain the right to rule the country and to keep it white man's country.<sup>3</sup>

This strong desire among Europeans to rule Africa also reflects itself, according to Ndabalingi Sithole, in the lack of universal African education. Various European powers administering different parts may not have expressed themselves so strongly as Strydom, but they have felt the same way: hence the different educational policies in a European-ruled country. Sithole then points out, as indeed nearly all the other leaders do, that a policy of white supremacy means of course in reverse a policy of African subjection; and on that ground the Africans both in South Africa and elsewhere in Africa have come to reject this policy as entirely unacceptable. Verwoerd and others, as you heard from Professor Olivier, substitute for the policy of white racial supremacy that of apartheid which means in short a policy of opportunity for every man within his own race group and in racially reserved areas. In order that we may appreciate the significance of apartheid as a policy, let me refer you to the late R. F. A. Hoernlé who described two concepts of liberty: the liberty of the individual and the liberty of the group. When we talk about the liberty of the individual we think in terms of the individual rights and privileges, but the matter is different when we talk about the liberty of the group, and in referring to South Africa in particular he said the white group enjoys independence and self-determination. It, and it alone, determines its status, its rights, its powers and its privileges without reference to any other group in the country. The non-white groups, as Hoernlé described them at that time enjoy such rights, privileges and status as are given them by the white group. They are un-free in the sense that they are not allowed to decide for themselves where they shall exercise the rights they are given by the white group, when they may exercise those rights and how they may exercise those rights.<sup>4</sup> They are also un-free in the sense that they have no part in the decision-making process,

and so we should remember these words of Hoernlé when we try to understand the limitations, from the black man's point of view, of a policy of apartheid, a policy of opportunity for every man but only within his own race group and in a racially reserved area, both of which are being defined by the white group.

The next concept that I would like to draw your attention to is that of multiracialism. A publication of the United Nations says: 'This situation obtains in countries inhabited by peoples of different racial and cultural stock constituting more or less separate and distinct social and economic and even political sub-units within the same state.'<sup>5</sup> Now as the statement stands it seems to be unobjectionable in the sense that it conforms with what I might call everyday experience and everyday observation: different countries are as a matter of fact inhabited by peoples of different cultural and racial stock, who for the most part live in separate areas voluntarily and maintain social, economic and even political separation among themselves. Sithole examines this concept of multiracialism (in chapters 3 and 4 of *African Nationalism*) and he says that multiracialism as a political policy is better of course than white supremacy and it is certainly better than apartheid. For it endeavours to provide for participation in the Central Parliament where decisions of importance are made by the various racial groups on a basis of racial equality, more or less. But he comes to the conclusion that multiracialism is also unacceptable to the African leaders and the African community, because it means that policies are based on racial lines in practice; and he regards multiracialism as a policy of by-passing universal adult suffrage, and comes to the conclusion that it is a policy which operates on the basis of group rights, group participation and avoids or denies individual citizen rights.

The African leaders in Rhodesia were much more concerned with what was described by Sir Godfrey Huggins as a policy of partnership, and unfortunately in trying to define partnership some very unfortunate analogies between the horse and the rider were used; and the African leaders fastened on these unfortunate analogies in order to reject in part the policy of partnership which meant, on the best interpretation, that the white man was to retain the leadership or to keep Government in what was termed civilized and responsible hands,

while the African was to be brought up gradually and trained for higher political responsibilities.

#### NON-RACIALISM

I suggest then that the first reason why the African governments of Botswana, Lesotho and Swaziland have adopted a policy of non-racialism is because they have rejected the alternative policies based on white supremacy, apartheid and multiracialism, and as far as multiracialism is concerned you have heard from Professor Olivier that it has now become a swearword in South Africa. As a matter of fact multiracialism was rejected as far back as 1912 when General Hertzog broke away from General Botha and Smuts to form the first Nationalist party in South Africa. General Hertzog rejected Bantu partnership in a common multiracial South African fatherland, but he accepted the partnership of the Afrikaner and the English-speaking South Africans. An important reason for the rejection of multiracialism by whites is that in order to be carried out on a fair or equitable basis multiracialism would have to accord an equal number of representatives of each of the race groups in the Central Parliament. It was Dr Verwoerd with his devastating logic who often pointed out that it was no use giving the Africans four Members of Parliament, or six, or eight, because once the principle of parliamentary representation on the basis of their number was conceded, then the Africans would continually want increased representation. And I think that behind the rejection by the white electorate of the present race federation policy of the United Party in South Africa is this very fear that once you concede the basis of race representation on a federal basis then you must concede equality of representation. On the other hand the policy of multiracialism is rejected by and large in South Africa (and I think the same would be true of Rhodesia) on the basis that it means mixing by individuals of different races on a footing of equality.

The second reason for which, I think, non-racialism has been embraced by the African governments of Botswana, Lesotho and Swaziland is that the race problem does not exist in these three countries. A race problem emerges in situations where the different racial groups are present, not necessarily in equal numbers but in sufficient numbers to be significant either

from the point of view of their culture or economically or even politically. This is the situation in South Africa where the different racial groups of Coloured and Asians, as well as Africans, are sizeable and have separate, or at least identifiable, cultures and community interests, and where significant economic power and political and administrative control are in the hands of the white group, which although in a minority as far as numbers are concerned is nevertheless definitely the ruling group. In Rhodesia the size of these different racial groups is not as proportionally great as in South Africa. But they are more significant than is the case in Botswana, Lesotho and Swaziland, where they are minute; for example according to the 1966 census of Lesotho the Whites were 0,2 per cent and the Asians were 0,009 per cent of the total population. So the adoption of non-racialism could be said to be an easy matter.

The third reason why this policy has been adopted is a psychological one, which came to the forefront with the attainment of independence. In the colonial era when each of these countries was under British rule a certain amount of race differentiation or race discrimination was practised in regard to jobs, salaries, housing and school facilities; but with the attainment of independence each of the governments of these three countries has thought it proper to repudiate the race differentiation and race discrimination which was practised in their own countries and to assert a policy of non-racialism. Psychologically therefore non-racialism is a repudiation of what Sir Seretse Khama has called a legacy of colonialism.<sup>6</sup>

Fourthly, and very importantly in this respect as far as present day politics are concerned, non-racialism is without doubt a rejection of the racial policies and racial structures of society as found in the Republic of South Africa; and it should not be forgotten that the President of Botswana, the Prime Minister of Swaziland, and some Cabinet Ministers and several top civil servants in these countries were educated in South Africa and have firsthand knowledge and experience of the application and effects of its race policies. Labourers from the three countries continually go to work or live in the Republic for short or long periods. In this manner they have direct experience of influx control, labour bureau systems, job op-

portunities, the difficulties of obtaining housing and school facilities according to ethnic grouping in the urban areas and other aspects of race or ethnic differentiation in the Republic; and to be added to this knowledge and experience is that which is passed on by much larger numbers of Swazi, Sotho and Tswana people permanently domiciled in the Republic of South Africa but in constant touch with their kinsmen in Swaziland, Lesotho and Botswana.

Fifthly, non-racialism is based on the general conclusion of a much larger number of Africans than is commonly appreciated by white governments or the white electorate, that the race policies of South Africa and to some extent Rhodesia bring more hardship and disadvantages to the Africans than advantages or benefits.

Sixthly, there is the demonstration effect of non-racialism, as epitomised by Sir Seretse Khama who is a more vocal, articulate and aggressive enunciator of non-racialism than the leaders in Swaziland or Lesotho:

Our principal aspiration is to make a contribution to the victory of democracy, dignity and self-determination throughout Southern Africa. This ambition must be fulfilled by the only means available to us, namely the development of Botswana as a viable non-racial democracy whose unity and independence is based on social and economic justice for its people regardless of race, colour or tribe. By demonstrating within Southern Africa that what unites men is more important than what divides them we hope we can assist in undermining philosophies which seek to deny dignity and self-determination on grounds of colour and race. We are determined to demonstrate that placing irrational and artificial barriers between human beings is not only immoral but wasteful.<sup>7</sup>

Finally, there is the consideration that if these countries had not adopted non-racialism, but had applied instead a policy of apartheid in reverse they would not be able to attract development funds from abroad, nor to obtain the services of technical and professional personnel from overseas, national government agencies and the United Nations and its several agencies; for overseas governments and the United Nations are unwilling to operate on the basis of policies based on race and colour

differentiation or discrimination.

#### CONSTITUTIONAL PROVISIONS

The constitutions of Botswana, Lesotho and Swaziland,<sup>7</sup> then, are non-racial or colour-blind. They all protect the individual's right to freedom from discrimination on grounds of race or colour. For example, Section 15 of the Swaziland constitution, which corresponds to similar sections in the constitutions of the other two, provides that:

1. Subject to the provisions of subsections 4, 5, 6 and 9, no law shall make any provision that is discriminatory, either of itself or in its effects.

2. Subject to the provisions of subsections 7, 9 and 10, no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.

3. In this section the expression 'discriminatory' means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinion, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.

Such then is the essence of the fundamental human rights which are protected in the constitutions of Botswana, Lesotho and Swaziland.

There are, however, certain exceptions to the general position as above outlined whereby persons may be lawfully discriminated against, such as non-citizens, subjects of customary law, public officers; but even here the discrimination cannot be based purely or solely on race or colour. Furthermore citizenship is open to any person in these countries who fulfills the requirements laid down in the constitution, or provided by Parliament in the legislation. The same applies to voting rights. Thus in each of the countries under consideration there are White, Coloured and Asian voters.

#### APPLICATION IN PRACTICE.

The existence of different racial groups and the need for their mutual accommodation cannot just be taken, and is not being taken, for granted in these countries. For example, in Swaziland, the Government and the people are well aware that there are White and that there are Swazi, each with different modes of living, and social and economic interests. The Government of Swaziland finds it necessary from time to time to exhort its Swazi people to accept the Whites because they are there to stay as permanent residents or citizens and they are also needed for the development of the country and the running of its financial, banking and economic services. The people are further exhorted not to resent the Asians because they too have a useful role to play in the commercial life of the country.

In Lesotho on the other hand, the Whites are concentrated mainly in Maseru and are readily accepted, but the Asians who were originally concentrated in the north-eastern districts and are now beginning to spread to other districts in the country, are regarded with some jealousy and are somewhat discouraged. As long as their basic economic interests and their mode of life are not interfered with, Whites and Asians accept black rulers and their policy of non-racialism. Whites and Asians now send their children to the same schools as are attended by the African children or else send their children to schools of their choice in the Republic. Most Asians still import their wives from outside and most Whites marry white girls from within or without the borders of these countries.

A few black and white inter-marriages take place each year, and although allowed by law and the Government and probably tolerated by most people such marriages are, however, not very popular. Furthermore, some of the consequences of miscegenation, namely coloured offspring, legitimate or illegitimate but not properly provided for by their white fathers, are now becoming realised by the black governments. The Swazi Government has now adopted measures to discourage clandestine sex relations between white men and Swazi girls, and further to require that a Swazi girl who wishes to marry a white man should first obtain official approval.

Non-racialism is also viewed as the elimination of petty apartheid or the breaking down of

white resistance to the intrusion of Blacks into their societies or clubs; and all three governments are concerned with stamping out discriminatory practices in shops, restaurants, hotels, cinemas, bars and clubs. In this connection the attitude of the Botswana government to the situation in Francistown is summed up in the words of the Vice-President:

I have so far dealt with a field in which the abuses are relatively clear and easy to pinpoint. I now turn to the social field where discrimination and prejudice are somewhat harder to define. It is nevertheless, an important field and one in which government has again made its policy quite clear.

His Excellency the President has stated more than once that racial intolerance will not be accepted in Botswana. Yet when examining social relationships in Francistown, it is clear that social adjustment has been delayed far too long. No one will deny his neighbour the right to choose his own friends and lead his own private life. These are matters on which it is neither wise nor practical to legislate. But if an expatriate can find no Motswana with whom he is prepared to associate, if he goes further and actually devises an institution as a refuge against the possibility of meeting a Motswana then we are forced to ask ourselves if he might not be happier somewhere else. It is likely that expatriates with this attitude would be reluctant to respond positively to requests for co-operation in the employment field.

He went on to express appreciation of the fact that the Francistown Club which had hitherto remained exclusively white had now changed its rules, regulations and fees and was now prepared to accept Botswana as members:

Some organisations in Francistown periodically give receptions for business purposes, to which many guests are invited. The organisers of these receptions go to undue lengths to secure the attendance of white guests and it is all too noticeable that Africans, even though they be Members of Parliament, Councillors, senior government officials and businessmen are not considered suitable for such functions, although for the sake of appearances a token handful may be

invited. I suggest to you that such functions would be more worthwhile and more truly reflect the image of Botswana if the guests were more representative of the community in which we live.

In many Francistown shops it is taken as a matter of course that Africans should wait until all white people have been served. Indeed, some white shop assistants — who may well be keeping Botswana out of jobs — will, in many cases break off their business with a Motswana customer in order to attend to a newly arrived white customer. I ask that all shopkeepers should give strict instructions that customers should be served with courtesy on a first-come-first-served basis regardless of their colour or social position . . . the basic aim of Government for the planning of the new Francistown is that it should provide for non-racial development. Therefore in adopting a strategy for Francistown development Government is guided by its policy aim which will be reflected in decisions regarding housing, industry, schools, playing-fields and other amenities. But here again community attitudes are crucial for the success of our plans.

The Vice-President went on to discuss unfavourable employment practices, unfavourable from the point of view of the black population, and the policy of the Government:

The practice whereby white expatriates who have no qualifications or previous experience are employed simply to avoid employing Botswana, is widespread. Botswana workers are widely stigmatised by many white employers as dishonest or lazy and therefore denied promotion on merit or experience. But at the same time we find employers making no effort to screen applicants or to provide training for their African staff. Too few prospects are held out for the honest and diligent African or Botswana. All over Francistown one can find cases of preference being given to unqualified non-Africans even for the simplest jobs. Sometimes as a concession to the non-white susceptibilities, coloureds in the South African or Rhodesian sense, may be employed as middle-rank supervisors but never or rarely an African.

In order to provide a corrective to these problems, the Government of Botswana has enacted legislation governing labour relations and made policy statements setting out guidelines for employers and managers in commercial and industrial enterprises such as are found in Francistown and elsewhere. The Botswana government now insists that expatriates should only be employed in those jobs which cannot be filled by African citizens. This is the standpoint also of the Lesotho and Swazi governments and it applies to white expatriates and Africans from outside the borders of these countries, such as black South Africans — much to their disappointment for they tend to think that a policy of non-racialism in these countries meant that these countries were open societies, which they are not. In order to give effect to its labour policies, non-citizens be they white or black, who seek entry into these countries for work purposes and residence, are now first required to obtain residence and work permits before entering these countries. On the other hand in the upper levels of employment, in technical and professional fields, Botswana, Lesotho and Swaziland still rely on expatriates, whereas most of the administrative posts have become localised. According to the manpower study of April 1971 in Lesotho, for example, 55 per cent of the expatriates are British and they enjoy the highest rungs of the salary scale; for example, 47 per cent of the British expatriates were on what is called the super-scale and 37 per cent on the so-called A scale.

#### RELATIONS WITH SOUTH AFRICA

The three newly independent states of Botswana, Lesotho and Swaziland are well aware of the fact that their non-racial policy is opposed to, and virtually a challenge to, the racial policies of South Africa and to some extent of Rhodesia. They are also aware of the constraints and limitations to their policy and complete freedom of action arising from their geographic relationship to South Africa, Rhodesia and Mozambique; and of their weaker political and administrative organisations, and of their lack of military strength. They are also very much aware of their long established trade, financial and monetary ties with South Africa, labour and employment opportunities for their people in South Africa, as well as flows of tourists, exports and imports through the ports

and along the rail-routes possessed by the white-ruled states of Southern Africa. Because of this situation the government and leaders of these countries have to accept co-existence and economic co-operation with South Africa. For example there is close collaboration and co-operation in the South African Customs Union, first created in 1910 and revised as recently as 1969. Botswana, Lesotho and Swaziland are also members of the South African Monetary Union. Botswana receives a monetary consideration for the lease of land covered by the railway line between the Republic of South Africa and Rhodesia. Lesotho accepts financial and technical aid from the South African Government, but Botswana does not. All three countries accept private investment from South Africa provided it helps to develop these countries according to their development priorities and also helps to diversify their economies.

Despite these close relations, however, these three countries maintain no diplomatic or consular representation in South Africa. At present diplomatic contacts amount to no more than occasional ministerial meetings and exchanges between top civil servants from South Africa, on the one hand, and those from Botswana or Lesotho or Swaziland, on the other hand, over particular matters. South Africa and Lesotho, it has recently been reported, are to establish physical consular representation in their respective countries, but Botswana refuses to do this until South Africa can fully guarantee that her representatives will in all respects, at all times and in all places be treated in the same way as diplomats from other countries.<sup>9</sup>

The governments of the three countries repudiate the charge that is sometimes made that by their relations with South Africa, they condone the evils of racial discrimination and apartheid. On the contrary they have often indicated their opposition (Botswana being foremost and Swaziland being least prominent in this respect) to the theories and practices of apartheid and at the same time expressed a desire for a change of policy in South Africa by fiscal means and negotiation. But they also recognise that the principle of non-interference in the internal affairs of South Africa must be maintained and that force or violence will not bring about the desired solution of the problem of apartheid.<sup>10</sup>

## FOREIGN POLICY

Just as the policy of the three countries, Botswana, Lesotho and Swaziland, towards South Africa is essentially an extension of their economic interest and non-racial policy, the same is also true of their foreign policy. For economic reasons the governments of the three countries value their connection with the World Bank, the International Monetary Fund, the United Nations Conference on Trade and Development, and the Commonwealth Finance Ministers Conference. Through these agencies influence can be exerted for obtaining an increasing flow of aid and investment funds and for changing commodity prices as well as world tariff structures in a manner that is going to be favourable towards the economic circumstances of developing countries. Membership of the United Nations is valued as recognition of their newly enhanced status of sovereign independent states. It is also valued for its protection of the special interests of small states and as a forum for keeping in touch with international opinion while at the same time affording opportunities for articulating

views against racial and colonial policies in those parts of Africa where they are said still to exist. As with other African governments, the governments of Botswana, Lesotho and Swaziland also value membership of the Commonwealth as an organisation that cuts across lines of race and colour. Another valued connection for these three countries is with the Organisation for African Unity. According to Sir Seretse Khama, who is the most articulate and vocal in explaining these matters, the Organisation of African Unity is regarded as a forum for the co-ordination of tactics and strategy for the ending of racialism and colonialism in Southern Africa, or in what these African governments call white-ruled minority governments in Southern Africa.

Finally there is their attachment to what is called the Lusaka Manifesto whereby they indicated to the governments of Rhodesia, South Africa and Moçambique that they believe in negotiation towards the establishment of self-determination, human dignity and better relations between all the people in these countries.

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- <sup>6</sup>*Dr Moi in Botswana*.
- <sup>7</sup>Address to the Foreign Policy Society in Copenhagen, 13.xi.1970.
- <sup>8</sup>Lesotho and Swaziland have suspended their constitutions by the declaration of a State of Emergency, but these non-racial aspects have not been affected.
- <sup>9</sup>See also Seretse Khama's address to the General Assembly of United Nations, September 1969.
- <sup>10</sup>*Ibid.*



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