

The role of the Native Advisory Council in the Bechuanaland Protectorate, 1919-1960

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The Bechuanaland Protectorate lagged behind most British African colonies in the development of its government. In 1920 a Native (later "African") Advisory Council was established, representing mainly the chiefs. Key issues for the Council included racial discrimination in the Protectorate, agricultural improvement, and (above all) preventing the Protectorate's transfer to the Union of South Africa. Despite calls for constitutional development, it was not until 1960 that a Legislative Council for the Protectorate was established.

Background on British rule in the Protectorate

British rule in Africa has been the subject of discussion by many scholars who have written on the Colonial era in Africa. Apart from a few divergences most of these sources indicate that there is a general agreement on the nature of the British Administration in their colonial territories.¹

"Pax Britannica" had no clear cut policy for the administration of its colonies or protectorates. What is certain is that Britain needed colonies where she could obtain raw materials and also markets for her products without much cost to the exchequer. This resulted in a policy that was later to be called "Indirect Rule".

"Indirect Rule" is a phrase that has been used to describe the British colonial policy in many of her former possessions. This aspect of British policy has received wide attention and many historians have written extensively on it.²

"Indirect Rule" was a "historic accident". George Padmore described "Indirect Rule" as:

the system of governing Blacks through their own Chiefs and political institutions under the control of European officials with the minimum of interference. The Whites, however, hold the real political, financial, and military powers in their hands, while the Chiefs serve as marionettes.³

The system of "Indirect Rule" was—in Africa—a result of Lord Lugard's experience in northern Nigeria (the British had already used the system in India without the label "Indirect Rule"). It is proper therefore to say that Lord Lugard systematized the theory of "Indirect rule". It is a system that he developed from conditions and "unavoidable necessities" as he tried to administer territories of Northern Nigeria. It was a cheap method of administering large areas which would otherwise have involved a lot of financial expenses.⁴ In other words Lord Lugard, forced by circumstances, developed and implemented a type of administration which later became one of the systems of British Administration in Africa. Lord Lugard discussed this policy and his experiences in detail in his book *The Dual Mandate* (1922).

George Padmore refers to the British administration in the Bechuanaland Protectorate (Botswana) and the other two former High Commission Territories (Swaziland and Lesotho) as a "semi-indirect rule". It seems his conclusions are based on the way Bechuanaland was administered. Instead of the British Officer hooking

onto the traditional system, the British colonial government had numerous officers in the territory: Resident Magistrates and police officers. Under proper "Indirect Rule" there would have been one British Officer who would have been a link between the Imperial government and the local rulers.⁵ The protectorate was administered through many British officers who were placed in most of the villages throughout the Territory. It was therefore not entirely "Indirect Rule" but neither was it "Direct Rule".

This essay focuses on the British Administration in the Bechuanaland Protectorate, dealing mainly with an institution of colonial creation—the Native Advisory Council—later renamed the African Advisory Council. The dissertation examines the origins and development of the Native Advisory Council and the role this institution played in the Administration of the Protectorate.

A brief review of the political history of the Protectorate before the Native Advisory Council was formed will assist in placing this institution in a historical perspective. Bechuanaland had remained uncolonized until 1885. In this year it was caught between avaricious external forces over which it had no control. Britain moved into Bechuanaland in order to keep free the route to the north,⁶ which was being threatened by the Germans who had just declared a protectorate over South West Africa (Namibia) in 1884. The Boers of the Transvaal were viewed with suspicion by the British Government.⁷ The Boers had caused Montshioa of the Barolong and Khama III of the Bangwato to appeal to the British for protection in 1876.⁸ Thus the route north was under threat from both sides.

In 1885 the British Government despatched a force under Sir Charles Warren to announce to the Bechuanaland rulers that they were now under British protection.⁹ It is particularly interesting to note that the British had not acted earlier when Batswana rulers, harassed by the Boers, had asked for protection.

Ten years after the declaration of the protectorate Britain almost transferred Bechuanaland to the Administration of a Chartered Company: the British South Africa Company of the great imperialist, Cecil John Rhodes.¹⁰ Three Batswana rulers, Sechele I of the Bakwena, Bathoen I of the Bangwaketse and Khama III of the Bangwato went to England to protest against these intentions.¹¹ Through this intervention, negotiation and compromise these three rulers saved their country from the machinations of Cecil John Rhodes. The idea of Company rule was condemned by some British officials, such as Sir Henry Loch, Cape Governor and High Commissioner in the early 1890s. He told the Secretary of State that "to hand over Khama and his people to a Commercial Company would be a breach of faith such as no Government should commit".¹²

On the return of the three rulers from England where they had had meetings with the Secretary of State they had been given the "rules of the game". The Secretary of State had reminded them of the 1891 Order-in-Council. Under it the High Commissioner would legislate by proclamation subject to the condition that the proclamations would respect "Native laws" or customs provided they were not incompatible with the exercise of Her Majesty's powers and jurisdiction.¹³ By this proclamation the chiefs and the people of Bechuanaland lost the full control of their own affairs.

Taxation in Bechuanaland Protectorate indirectly influenced the formation of the Native Advisory Council. In 1899 the Hut Tax Proclamation was published by the High Commissioner¹⁴ but it was not implemented until 1902. This is significant as it was another taxation proclamation in 1919 that directly led to the formation of the Native Advisory Council.

The political structure and power relations of the time in the Protectorate will help us to place the Native Advisory Council in proper perspective. The Secretary of State in the Dominions Office in London received reports of the Administration which was run by the High Commissioner based in Cape Town. The High Commissioner was officially the central figure of the government but he depended on the advice of the Resident Commissioner who was based in Mafeking. The Resident Commissioner first relied on advice of the Assistant Commissioner then on the Resident Magistrates (later called District Commissioners). On their part the District Commissioners relied on the Chiefs. With the introduction of the Native Advisory Council the Resident Commissioner had an alternative body for advice on "Native Affairs" while the Chiefs now had an alternative channel through which they expressed their views to the Administration.

The discussion that follows will attempt to uncover the role of the Native Advisory Council in the Administration of the Protectorate between 1920 and 1960. Certain questions are posed and an effort is made in this dissertation to answer these questions. What necessitated the formation of the Native Advisory Council? What were the objectives for which this body was formed? Did the Native Advisory Council fulfil these objectives or expectations? How did the Chiefs and their people respond to this new institution? What were its terms of reference? Did the two parties, the Administration on the one hand and the Africans on the other, use this body for the same ends? These are only a few of the problems this dissertation tries to answer.

Lord Hailey, writing about the purpose of such Councils in Africa, stated that:

Its more direct objective has been to secure that the population should have a definite means of pressing on the traditional Authorities its views on matters of general interest. Its indirect objective has been to enlarge the range of interest in Local Government measures and thus to expand the field of political experience... such Councils have in recent years become a common feature in most African territories.¹⁵

It was the Resident Commissioner J.C. Macgregor who in 1919 initiated the formation of an Advisory Council in the Bechuanaland Protectorate. Advising the High Commissioner, Lord Buxton, he said that he thought they should establish a Native Council like the one in Basutoland made up of two members from each reserve. He suggested that the Council meet once a year and that it would keep him in touch with Native thought and aspirations.¹⁶

When the Resident Commissioner suggested the formation of an Advisory Council he also intended that it would advise him on the use and methods of collecting a new levy that was to be set up. This was an additional taxation to the already existing Hut Tax. It was to be called the Bechuanaland Protectorate Native Fund.¹⁷ According to the Resident Commissioner this fund would be used for the development of education, eradication of cattle disease and any other desirable objects for the betterment of the communities.¹⁸

It is surprising that in a country where taxation on poll tax lines had been going on for seventeen years the Resident Commissioner should have suggested to improve the conditions of the Batswana through a special levy instead of linking their development to the general revenue. Admittedly the Resident Commissioner had originally suggested that the fund be called the "Bechuanaland Protectorate Emergency and Development Fund"¹⁹ but the High Commissioner disagreed with this view, stating that a general fund for both Africans and Europeans would cause friction between the races.²⁰

With the new levy under way the Resident Commissioner continued to make preparation for the setting up of an Advisory Council. The administrative procedure of the time was that the proposals could be made by the Resident Commissioner to the High Commissioner, who then, after obtaining the authority of the Secretary of State in the Dominions Office, issued a Proclamation on the matter.

The Formation of the Native Advisory Council

In the second half on 1920 the Resident Commissioner despatched his proposals on the constitution of the Native Advisory Council. The High Commissioner B.C. Carter gave his reply setting out the functions of the proposed body. The High Commissioner's views are embodied in the Circular sent out to invite delegates to the first Council session of 1920 (S. 13/4/17; see Appendix 1).

This circular gives the framework by which the Native Council was formed from the Administrative viewpoint. The High Commissioner, B.C. Carter, agreed with the proposed constitution.²¹ Normally the High Commissioner should have issued a Proclamation to make the Council statutory but this was not done until 1958, two years before the dissolution of the Council. The reasons for not making the Native Advisory Council statutory are not stated but one can suggest that it was because the Administration did not want to bind themselves to this institution for sounding Native opinion. It was better for them to keep it an experimental body with no legal status. Also the impression could be given that Africans played a greater role in Protectorate Administration that was in fact the case.

The different rulers responded in different ways to the creation of the Native Advisory Council. In general, they were all in favour of this proposed Council. By the circular of 9 October, 1920, to the Resident Magistrates at Gaborones, Kanye and Molepolole, the Resident Commissioner informed the Chiefs about the formation of the Advisory Council.²² In this circular the Resident Commissioner outlined the representation suggested for each group. He pointed out that the Council, for the time being, would be confined to the Bakwena, Bangwaketse, Bakgatla and Bamalete. He added that the Council would "discuss with the Resident Commissioner all matters affecting native interests which any of its members may desire to bring forward, especially the Administration of the Native Fund."²³ He informed that he would be expecting their delegates to the first Council meeting to be held in Gaborones on Tuesday 2 November 1920 at 10 o'clock in the morning.

The reaction of the various Chiefs to be suggested Native Advisory Council is not well recorded. The Bangwaketse accepted the invitation to join the Council, although instead of sending two representatives they sent five delegates. The delegation carried a memorandum to be put before the Council. In the memorandum the Bangwaketse wanted to know why Kgosi Khama was not able to meet with them. They wanted to know the functions of this proposed Council and whether it would not hamper the work of the Chiefs among their people. They proposed guidelines for the operation of the Council.²⁴

From Mochudi came what one would term a revolutionary reply. The reply stipulated the form the proposed Council should take. It was a statement out of its time, which could have been written by a nationalist of the present day. (S. 13/4 (25); see Appendix 2)

Kgosi Isang Pilane was an educated man, who obtained his secondary education in South Africa.²⁵ The memorandum stresses a feeling of nationalism above ethnic origins, and reflects some maturity in the political aspirations of Kgosi Isang Pilane.

The Resident Commissioner called it "a document that extends beyond the borders of the Protectorate".²⁶

The members of the Native Advisory Council assembled at Gaberones on 2 November 1920 for the first session. Those represented were the Batlokwa, the Bakgatla, the Bakwena, the Bangwaketse and the Bamalete. Members asked why Kgosi Khama was not represented. Most of the speakers in this session referred to his absence as a gap in the Council. They stressed that his presence would have improved the strength of the Council because of his experience and age.²⁷

Kgosi Khama had told the Administration that he was not interested in working with the Southern Protectorate rulers. The Resident Commissioner informed the High Commissioner that Khama had said that he would have nothing to do with the Southern Protectorate Chiefs because they did not co-operate with him in stopping European liquor from coming into the country. He said that if the administration wanted him to do anything he would do it independently of the other chiefs.²⁸ This was a disappointing reply in view of the esteem with which the other chiefs held Khama, but he saw the formation of the Council as yet another step in the white take over of the territory and so he decided to resist these measures by staying out of the Council.

Khama's successor, Sekgoma II, also did not want to join the Council.²⁹ Sekgoma did not want to join the Council because the other chiefs were not supporting him fully in the banning of strong drink and the *bogwera* and *bojale* (initiation ceremonies). He said that he wanted to keep his Reserve as it was left to him by his father.³⁰

The Barolong were not represented at the first meeting of the Council but during the discussions the delegates agreed that the Barolong should be invited to subsequent sessions of the Native Advisory Council. Likewise, the Batawana were not represented at the first meeting because they were too far away from Gaberones. It was not till 1932 that they joined the Council. By 1940 most of the peoples of the Protectorate were represented in the Council.

The High Commissioner sent a telegram to be read on the first occasion of the Native Advisory Council meeting. The telegram contained the official view of the function and role of the Council. It stated among other things that the formation of the Native Advisory Council was a step in the progress and advancement of the Native peoples of the Protectorate. He added that the Council would afford the groups represented an opportunity to express their views upon all matters affecting native interests and especially in matters relating to the Administration of the Native Fund. He was hopeful that the Council would afford the administration the views of the Protectorate people.³¹

The first few years of the Native Advisory Council were experimental years. The African delegates expressed their views without fear or timidity. Records of the discussions reflect an awareness and interest in the Administration of the Protectorate on the part of the African chiefs. Discussions were conducted in Setswana and English. Interpreters were employed in the proceedings of the Council.³²

In a normal meeting of the Council the Resident Commissioner presided over the meeting. He would go through formalities of greetings and notices or information. Then they followed the agenda in discussions. Between 1920 and 1930 the proceedings were of short duration. But from the late thirties up to 1960, the deliberations took up to seven days.

I have referred to the period between 1920 and 1930 as "experimental" because during this period the African rulers, while willing to participate in the Council, continued to use the already established channels of communication with the

Administration without reference to the Council. In other words, the setting up of the Council was for the Administration a forum to gather collective African opinion while for the African rulers it was just one other channel of communication. This is understandable when we consider that this body met only once in a year. This meant that the day-to-day functions of administration had to continue in the usual way.

We will now examine the Advisory Council in operation. It is by emphasising some of the activities of the Council that we can be able to decide what role this body played in the Administration of Bechuanaland. The Resident Commissioner in the earlier periods of the Council prepared the agenda for the sessions. This agenda would be seen by delegates when they arrived. The different delegates would bring their items for inclusion in the agenda when they came to the meeting. African delegates met in caucus before the full session commenced. Here they tried to present joint proposals or demands. For these earlier meetings it looks as if each delegation presented its own demands to be met by the Native Fund. The Resident Commissioner would present them with draft proclamations for their consideration. In their caucus meeting the African delegates would elect a spokesman to read their resolutions. These would be debated by the other delegates.

Their views would be listened to by the Resident Commissioner and then recorded in the minutes of the minutes of the sessions. The Resident commissioner would give replies to those resolutions that he felt were within his jurisdiction and the rest he would refer to the High Commissioner with a letter expressing his opinion on the matters raised. Invariably the High Commissioner accepted the recommendations that were made by the Resident Commissioner.

Achievements of the Native Advisory Council

The Advisory Council achieved considerable successes from the time of its inception right up to its dissolution. Foremost in its achievements was the continuous fight against incorporation into the Union of South Africa. This issue was dealt with in many of the sessions, from the early days to the early fifties. In 1921, during its third session, the Advisory Council discussed the question of incorporation into the Union. Many delegates asked about the rumours that were in the newspapers. The Resident Commissioner pointed out that the newspapers were not the official voice of the British Government. If anything was to be done they would be informed.³³ Meanwhile, the Union Government itself was twisting the arm of the Protectorate. They imposed regulations regarding all animals that could be imported into South Africa, which stated that the minimum weight of a beast to be imported into South Africa would be 800 pounds. Animals below this weight would not be accepted. The delegates to the 1925 session of the Native Advisory Council spoke very strongly against this unjust move by the South African Government. They asked the Administration to intervene as they did not see how they were expected to pay the Hut Tax without exporting cattle.

Meanwhile the European Advisory Council was pressing for incorporation into the Union. A letter from Mr. B.I. Vickerman (Mochudi), one of the European Advisory Councillors, stressed that it was the feeling of all the European Residents of the Protectorate that the Territory should be incorporated into the Union.³⁴ Indeed the records of the European Advisory Council are very explicit on the pressure its Councillors were applying to effect incorporation of the Protectorate into the Union. They agreed that this would alleviate a lot of economic problems of Territory. Some

interesting cartoons expressing the European views over the annexation issues are preserved in the Botswana National Archives.³⁵

One delegate to the Native Advisory Council Mr. Ratlhaudi speaking in the fifth session of 1925 against joining the Union gave this analogy:

No couple standing before the Magistrate or persons to be united in matrimony have ever been heard to say anything at that moment about divorce! Just as they are united till death parts them, so our fathers gave themselves to the Queen's Government, and can not be separated from it except by death. I have never heard of any young couple being told that they were being married only for a given number of years.³⁶

In the same session Kgosi Isang Pilane referred to the clause in the Act of Union of South Africa (1909) which provided that Britain could transfer the High Commission territories to the Union.³⁷ He spoke at length about the conditions of the black people in the Union, and said the Batswana therefore did not want to be incorporated into the Union.

Dr. S. M. Molema of the Barolong delegation in the 1944 session of the African Advisory Council³⁸ raised the question of the Protectorate being incorporated into the Union. Dr. Molema quoted the South African papers that were reviving the idea of incorporation—notably the *Sunday Times* and *Die Vaderland*. After citing the section of the Act of Union relevant to incorporation he quoted the Atlantic Character. He went on:

The principles which were embodied in the Atlantic Character, for instance, seem to make it a moral duty for Governments to consult with their peoples, and that people shall be ruled as they like to be ruled, that is, they will submit to the Government willingly, and, Sir, we claim, in terms of these humane principles, that we in the Protectorate are also entitled to security and freedom from want and freedom from fear.³⁹

To this charge the Resident Commissioner replied that the Secretary of State had always promised them that they would never be transferred until they were consulted. He further told them of a joint statement by the Secretary of State and General Hertzog of 1938 which re-affirmed this position.

Although it was the aim of Britain to transfer the Protectorate to the Union,⁴⁰ many events that occurred in South Africa, public opinion in Britain and the small voice of the African Advisory Council saved Botswana from incorporation. The loyalty manifested in the Protectorate's contribution to the Second World War was also significant: it would have been embarrassing to hand over a country that had been loyal in the war to a country some of whose inhabitants had supported Nazi Germany. The politics of South Africa were becoming even more discriminatory after 1948 when the Nationalist party took power. Thus, British public opinion was against transfer of the Protectorate to the Union. This assisted the delegates of the Advisory Council who kept the opposition going for a very long time.

The Advisory Council also fought against the colour bar in the Protectorate. In the late forties delegates complained against segregation and ill-treatment in hospitals and railway stations. They blamed these problems on the mixture in Administrative Officers of "Dutch" (Boer) people with "good" English officers. They blamed the Administration for being influenced by the Union laws. Bathoen II spoke in one session against the contradictions that were so obvious between the people who had fought on the same side as England but were being given different treatment.⁴¹ The

delegates attacked the Administration for the unequal treatment of people who had faced equal hazards. In this session the Resident Commissioner defended the policy of the Administration, claiming it was "class discrimination" and not racial discrimination. He said that the different treatment was based on social and economic differences and not colour. He added that European salaries were "rightly" more than African salaries because the Europeans used more money than Africans due to different consumption patterns. This was a naïve reply to demands that were so concrete. The Resident Commissioner could not explain why colour coincided with class. He even told the delegates that they themselves as educated people would not want to mix with noisy and unbehaved people who always were shouting and pushing others. He concluded by saying that in his administration he would not allow racial discrimination; but socio-economic discrimination, he added, would be allowed.

Such objectives by the African Advisory Council reflect the role it played as an institution representing African opinion. Although the Advisory Council can not be viewed or judged by today's standards, it should be understood that racial ideas were unacceptable even then to the African delegates. These objectives and views of the Councillors should be seen as the beginnings of political awareness that was to rise later in the Protectorate. These ideas in themselves did not occur in a vacuum but were influenced by conditions around the Protectorate and in the Protectorate itself. The tendency of some critics has been to label these earlier views as "moderate" and "accommodationist". Such conclusions may be correct but they fail to place the events in their proper epoch.

Another of the achievements of the Council was solving the water problem. Many villages in the Protectorate were built near rivers that flow seasonally. This resulted in water shortages for people and livestock during the dry seasons. From the beginning the African Advisory Council set aside funds to improve water facilities in the different villages. Boreholes were sunk and dams were constructed. So that through the coordinated efforts of the council it was possible to supply the villages with water.

When one travels through the villages of Botswana today one sees massive granaries that now stand as monuments of an era that once was. These store-houses were the results of the African Advisory Council's efforts. In the early forties the minutes of the African Advisory Council meetings show discussions on the building of these storage places for grain that would be needed in times of shortages. The idea was a progressive one considering the unpredictability of the Botswana weather. No doubt this noble idea could have been abused by some Chiefs as M.D.K. Mongwa suggests in his dissertation on the problems of John Nswazi and Kgosi Tshekedi Khama.⁴²

One development in the cattle industry of Botswana that we can attribute to the efforts of the Advisory Council was the introduction of pure breed cattle. In the early 1920s the Resident Commissioner and the Advisory Council members agreed to buy pure breed bulls from South Africa. Most of the chiefs accepted these bulls but others did so reluctantly as they preferred their traditional cattle. Chief Gaborone wrote to the Resident Commissioner saying "I have my own bulls and have no need of your kind."⁴³ Others accepted them with reservations. They wanted to see the "progeny" of bulls, a suggestion that had been put forward by the Resident Commissioner.⁴⁴

From the early 1920s right up to the late 1930s, European traders exploited Africans when they sold them their cattle. The traders would demand that the Africans purchase goods from their shops equivalent to the cost of the cattle or to take half the goods and half cash. The Native Advisory Council fought against this form of exploitation. The traders would even give them promissory notes called "good-fors".

These were promissory notes which the African would keep until there were goods he could purchase from the trader. Minutes of 1924 session of the Native Advisory Council record opposition to this practice. As a result of this opposition the Administration issued a circular warning traders against the malpractice.⁴⁵

The African Advisory Council was greatly concerned with the education of the Africans. From the time the "Native Fund" was set up in 1919, there was a portion of the Fund that was allocated to the education of the people. The Administration was not sponsoring African education from the General Revenue of the Territory as it did with European education. The delegates to the Advisory Council were not blind to this injustice. They spoke very strongly about the Government's inability to pay for African education while they paid for European education.⁴⁶

Despite this financial problem the African Advisory Council assisted in the building of many schools in the Protectorate. During the term of office of Resident Commissioner C.F. Rey in the 1930s, the Native Advisory Council and the Administration set up a Board of African Education. This body was responsible for suggesting syllabi and advising Government on the problems of African education. The Commonwealth and Welfare Fund assisted in the 1930s in some of the Protectorate's projects, including African Education.

The African Advisory Council did not fail to point out to Government that they needed assistance in setting up technical schools in the Protectorate. In many sessions of the 1930s Kgosi Isang Pilane and Dr. S. M. Molema pointed out that the Protectorate should look to the future and begin training technicians and agricultural experts who would help the Batswana in developing cattle industry. Of course, the Administration stated that there were no funds. Isang Pilane suggested in several meetings that a National College be built in Botswana instead of contributing 150 every year to the Tiger Kloof Institution in the Union.⁴⁷ Of course these were bright ideas but they were not encouraged by the Administration.

The Advisory Council experienced one of its toughest times with the Administration during the time of Resident Commissioner C.F. Rey. A vivid illustration of the tenacity with which he pursued Government policy is given by a respondent who heard of experience of people who worked with C.F. Rey. Mr. G. Mosinyi (MP), replying to a question whether the African Advisory Council could oppose a draft Proclamation if they felt it was against their interests, said

There was once a piece of legislation prohibiting the killing of wild animals including jackals. Members voiced their opposition and said that children will kill jackals if they see them at the cattle posts. They also added that sometimes dogs will kill jackals on their own at the cattle posts. At which the Resident Commissioner C. F. Rey replied that the people must teach their dogs the Proclamation.⁴⁸

As this shows, the Advisory Council had limits in its opposition to Government policy.

It was during the time of C.F. Rey that the powers and authority of chiefs were reduced. For a long the powers of chiefs seem not to have been defined although the 1891 Ordinance had stipulated the "rules of the game". The preceding Administrative officers had not implemented the law of 1891 to the letter. Anthony Sillery in his book says:

In 1931 the Resident Commissioner told the Native Advisory Council that the Secretary of State had instructed him to consider introducing reforms to the Administrative and judicial

systems, but he assured the Council that the chiefs and tribes would be fully consulted before any decision were taken.

Several occurrences in different areas had caused the Administration to look closely at the chiefs' powers. The case in point was that of Tshekedi Khama and the Ratshosa brothers. In his secret memorandum to the High Commissioner, C.F. Rey stated categorically that the chiefs were abusing their powers. Some were being "benevolent tyrants", a reference to Tshekedi Khama. He said that "this benevolent autocracy" began with Kgosi Khama III and that it was spreading to other chiefs. He suggested that the British Government was not doing much towards developing the territory. It would be better to incorporate the territory into the Union than to remain inactive.⁴⁹

It was this kind of man with such views about chiefs who introduced the "Native Administrative Proclamation" in 1932.⁵⁰ These two proclamations of 1934 are milestones in the decline of the power of chiefs in the protectorate. Using the normal procedure the Resident Commissioner had gone around the chiefs and had spoken in the Kgotla about the draft Proclamation. So that when the delegates to the Advisory Council were faced with this draft proclamation, it was the first time they were hearing about it. Delegates to the 1932 session asked that they be given more time to consult with their people. But there were others who viewed the Proclamation quite differently.

Kgosi Tshekedi Khama felt that the matter was being discussed at a wrong time. From his point of view it should have been discussed with the people who first sought the Protectorate: a reference to Kgosi Khama III, Kgosi Sechele I and Kgosi Bathoen I. In a long speech Kgosi Tsehekedi Khama, who was an observer at this session, stated that he felt the British had waited until the older chiefs died. These, he said, would have objected.⁵¹ The rest of the Councillors asked for time to study the Proclamations.

The reply by C.F. Rey to Kgosi Tshekedi's charges is worth recording. He said,

I think that the chief went on to say that it was regrettable that these Proclamations were not enforced forty years ago. I agree with him. Apparently you have been wandering in the wilderness for forty years, but that is no earthly reason for wandering another forty years in the wilderness. I would rather that you adopted the attitude that you were now in sight of the "Promised Land", which, I think, would be more reasonable.⁵²

This reply and attitude of the Resident Commissioner is worth noting, especially as later on, when the Councillors demanded changes in the functions of the African Advisory Council, they were told that they should first of all learn how to walk before they could run. This only shows how the Administration supported those issues from which it stood to gain and opposed those issues from which it stood to lose.

Although the African Advisory Council was not able to stop the implementation of some Proclamations, the Council managed to delay some Proclamations and also after a lot of discussions in the council some Proclamations were amended. In the proclamations of 1934 the Resident Commissioner aimed at reducing the power of the chiefs and vesting those powers in the Resident Commissioner. The Proclamations aimed and regularising the traditional chiefs' court in line with "European Justice". Lord Hailey describes the proclamations as seeking to curb the powers of chiefs.⁵³ These Proclamations were an encroachment on their traditional authority, which is why the Administration particularly met with strong opposition from chiefs. In the Proclamations most of the clauses referred to chiefs as "recognised chiefs" implying that the High Commissioner now had powers to depose chiefs. The chief who had

hitherto been *the* authority over his people's affairs was now to be controlled by a "Tribal Council". The chief was to obey all laws issued by the High Commissioner and he was to assist in matters of restoring order or the promotion of health and welfare of the population. His decisions on his subjects could now be revoked or modified by the Resident Commissioner. He could no longer levy monies for anything without the written approval of the Resident Commissioner whose approval could only be given if he had satisfied himself that the people assembled in Kgotla had consented to the proposals.⁵⁴

From Advisory Council to Legislative Council

The evolution of the Native Advisory Council to a new body with more powers, the Legislative Council, took forty years.⁵⁵ This were years of "patience" and "hope". From the very beginning of the Advisory Council the Africans expressed their feelings on the inadequacy of the Council's powers. They wanted a body where they would take part in the policy making of the Administration.

Kgosi Isang Pilane brought to the first Council session in 1920 a document⁵⁶ which envisaged the formation of a body to assist the Administration in its policies and development plans. Delegates did not hesitate to tell the Resident Commissioner that the Advisory Council was not meeting their expectations.⁵⁷ In the struggle for legislative status there was a period we could call an "intra-struggle" period.⁵⁸ Some enlightened delegates to the session of 1924 felt that the method of selecting members for the Council by the different ethnic groups was improper. In the words of Dr. S. M. Molema: "Many able persons are apt to be left out".⁵⁹ Dr. Molema chastised the chiefs for picking their favourites and leaving out the "best brains". This charge was denied by chiefs. The Resident Commissioner added that he thought the understanding was that the delegates were to be elected by the chiefs and the people in the kgotla (traditional people's assembly).⁶⁰ On the other hand Kgosi Tshekedi Khama's delegation was chosen from all over the Bangwato people.⁶¹

In 1929 members of the Native Advisory Council raised the issue of the scope of the Council. They said that they were subscribers to the General Fund but they were not allowed to say anything on the use of the Fund. While the Advisory Council had a say on the Native Fund they had no control whatsoever on the General Fund, 90 % of which was made up of the Hut Tax. African Advisory Council members felt that they needed a more meaningful body that would allow them to discuss the spending of the funds they had contributed.⁶²

At the same meeting of 1929 the Resident Commissioner simply said that the Council was only concerned with matters that affected "Natives" and their opinions were purely advisory.⁶³ In the same session Kgosi Isang Pilane pointed out that having two Councils in the Protectorate which met at separate times was creating a "Native Problem".

Dr. Molema was relentless in his demand for a constitution for the Council. In the 1931 session he brought up the issue. He wanted to know to what extent the Native Advisory Council was advisory. He also wanted to know whether it had any judicial and legislative powers. The Resident Commissioner then stated categorically that the Native Advisory Council was purely an advisory Council, adding that he could

not say that the Administration would always bind itself to accept it, you could not expect that; however, it certainly would not disregard it lightly.⁶⁴

The struggle with the Administration for a better Council continued to appear in one form or another in subsequent meetings of the Council. The Government did not turn a deaf ear to these demands. There was a notable increase and a variety of items that were brought to the meetings of the 1930s and 1940s. Then the Resident Commissioner began to bring to Council meetings the Financial Statement which included the analysis of the General Revenue Fund. This was not for debate but for information, so that due to the abundance of information which was now before the Council the delegates could not feign ignorance on the way the money was being used. Their feelings on the budget would not be "ignored" entirely. During this period the Resident Commissioner presented what was called a "Progress Report". In this report the Resident Commissioner touched on all government activities during the previous year. He then called on the Departmental Heads to expand on any items he had touched in his speech. The conduct of business in the Council meetings after the constitution of 1944 was more or less like the present Parliament, except for powers—and power was the important thing.

Each delegate would present questions and motions to the Government Secretary at least two weeks before the Council meeting. The Resident Commissioner would go through these questions and motions during his opening address, and then they would proceed with the agenda. Items on the agenda could originate from the members or the Resident Commissioner. Some items like the "Spitfire Fund" and the "War levy" that appeared in some of the meetings of the Second World War period (1939–1945) show the extent to which Bechuanaland was involved in the war. The African Advisory Council helped in recruiting men for the Volunteer Corps who went to fight in Italy and the Middle East. After the war the distribution of pensions and war benefits displeased the African Advisory Council members. They questioned the Administration on why people who had fought under one British flag were discriminated against. Members even complained about the discrimination that was practised on the battlefield and in barracks. The Advisory Council was sparing no effort to tell the Administration of the people's grievances.

In the 1946 session of the African Advisory Council the Resident Commissioner pointed out that it was Government's intention to train the Batswana to gradually manage their own affairs on modern lines. He went on to lay out the objectives of the Protectorate's Government. He mentioned that there had been marked progress in decentralising authority in the Protectorate. He quoted some of the areas of decentralisation as in the setting up of the Tribal Councils, Native Courts and School Committees.

Meanwhile the High Commissioner had prepared a document⁶⁵ in which he stressed the need for establishing "Local Government". He said that Local Government was to include some of the educated Africans in addition to the hereditary Chiefs. He added that traditional institutions like the kgotla must be utilized. The paper went on to say that the Africans should control their own affairs in a Commonwealth of Nations. If we look closely at the events of this period we will realize that the idea of a Local Government was necessitated by the fact that the Government wanted to curb the powers of autocratic chiefs. Local Councils and the chief were to rule the people. This was clearly stated in a meeting that was held between the Resident Commissioner and the High Commissioner in Pretoria.⁶⁶

The plans for Local Councils did not deter the demand for a change in the functions of the African Advisory Council. Apparently the Europeans too wanted a change in the functions of the European Advisory Council. The Europeans who had

earlier on demanded that the Protectorate be incorporated into the Union of South Africa were now awakening to the realities of the situation in the Protectorate. Instead of their earlier selfish moves they were gravitating towards a compromise with the African majority. In a meeting of the 1949 session of the European Advisory Council they resolved that:

....the Government should explore the possibilities of arranging that the African Advisory Council be given an opportunity for one or two of their English speaking members to confer with this Council on matters of interest mutual to African and European.⁶⁷

This benevolent attitude should be examined in the light of African Advisory Council persistence in refusing to have their Territory incorporated into the Union, and also the realisation by the European population of the futility of pursuing the demand for incorporation from a Government that was beginning to get worried about the policies of South Africa. The European move was more or less based on expediency. They realised that their future lay in developing the Territory themselves and not in a hand over to another country.

In the same year 1949, the African Advisory Council raised the issue of a legislative council. They resolved that:

....as the European Advisory and the African Advisory Councils are for the affairs and interests of all residents of the Bechuanaland Protectorate, both under the presidency of one Resident Commissioner, it is of paramount importance that these be combined and sit together as one body, failing which it would still be necessary for the Africans to be represented in the European Advisory Council.⁶⁸

They proposed that the general duty of such a body would be assisting Government in the formulation of its policies; as well as to effect and control the economic developments of the Territory.

The two resolutions by the two Advisory bodies seem to acknowledge the superiority of the European Advisory Council. It was the Africans, "one or two" who were to go to the European Advisory Council and not the reverse. In any case the African Advisory Council was quite positive and its demands clear. So it was not long before its demands were met.

A Joint Advisory Council is set up

The immediate response by Government to legitimate demands for a Legislative Council in the Protectorate was the acceptance and commissioning of a Joint Advisory Council. By a circular from the Secretariat in Mafeking to the Heads of Departments and District Commissioners, the Acting Government Secretary informed them that a Joint Advisory Council meeting was to be held on 3 November, 1950. The list of delegates to the proposed Council meeting included eight members of the African Advisory Council and all the eight members of the European Advisory Council.⁶⁹

These sixteen members were to be joined by three nominated officials of the Administration, not counting the Resident Commissioner, who was to be president of the body. When the Joint Advisory Council met members were told that the new institution would be without a constitution for the first few years. They were told that it was only an experiment to see if the "two communities" could work together. Up to its dissolution in 1960, the Joint Advisory Council never had a constitution.

The setting up of the Joint Advisory Council meant that there were then three organs through which Government consulted the views of the people of the

Protectorate. There were still the African Advisory Council and the European Advisory Council. These two bodies continued to meet at their scheduled times but what is significant from the proceedings of the Joint Advisory Council meeting is that almost all business of Government was now being discussed in this Council. The Joint Advisory Council became *the* voice of the two communities. There were matters that still went to the African Advisory Council but the actual decisions were now coming from the Joint Advisory Council.

Despite the creation of the Joint Advisory Council the Africans continued to ask the Administration for a more meaningful body. They wanted a Legislative Council. In the 1952 session of the African Advisory Council, the delegates once more brought the issue of a legislative council. Many members spoke about the existence of Legislative Councils in other parts of Africa except in the High Commission Territories of Bechuanaland, Basutoland and Swaziland.

Prominent in this session were M. L. Kgasa of the Bangwaketse delegation, Kgosi Tshekedi and Kgosi Bathoen II. Emphasising the need for a Legislative Council, M. L. Kgasa asked why any people are governed at all.

Why does any government under certain given conditions have to undergo some form of or complete metamorphosis?...

Governments undergo changes because the manners, thoughts and attitude of the people change. Progress in civilisation is a determining factor in effecting changes among a people. The aristocracy may hinder progress in government because they may be afraid that their powers would be taken away, but the peculiarity of our request today is that our aristocracy is itself keen on the formation of a legislative council; actually, I should say they are the protagonists of the scheme.

We request very humbly that a Legislative Council be formed as they have similar councils in West Africa, Northern Rhodesia and Central Africa. A Legislative Council would fulfil the too often unpopular but reasonable dictum that "taxation of a people should be followed up by representation of the people in the framing of laws."⁷⁰

M. L. Kgaasa added that a Legislative Council would unite the people of the Protectorate. Quoting the late Earl Baldwin, he said:

"The authentic note in democracy is that the man in the street feels he is governing himself" and the formation of a Legislative Council would give the people in this Territory this same attitude of mind. If this is done, Your Honour, I visualise a time when Government machinery will work better, and save time and money under a Legislative Council."⁷¹

Kgosi Tshekedi added to what other speakers had said. Most of the delegates showed their wide reading in making reference to other colonies. Tshekedi criticized the Government for not listening to the voice of reason.⁷²

The Resident Commissioner replied that their demands could not be met, because his superiors in the Dominions Office did not think that Bechuanaland was ready for such a council. The Secretary of State had said that the British had taken 700 years to become a full-fledged democracy, therefore the people of Bechuanaland were not to aim to run before they could walk.⁷³

The African Advisory Council did not desist from demanding that they be given legislative powers. In 1955, Dr. S. M. Molema stressed the point that the African Advisory Council had outlived its time. He said that they wanted to change the status

of the Council because when they looked at the European Advisory Council, they found that it was racially distinct, implying that there was secrecy in matters they discussed. He added that such separation bred racial antagonism.

The Administration agreed to amend the constitution of the African Advisory Council but it would retain its advisory role. They discussed the clauses of the constitution with the delegates stressing the need for more powers to be given to the Council but the Administration was stiff. They would acknowledge that the African Advisory Council, was the official representative of the African people of the Territory.⁷⁴

By proclamation of 14 March 1958, the African Advisory Council was made a statutory body. After this Proclamation discussions in the Councils appear formal, more like the present parliamentary debates and procedure with the exception that the African Advisory Council could not legislate. They could consider amendments to Proclamations.

In 1958 Mr. (later Sir) Seretse Khama and Kgosi Tshekedi Khama made very well informed speeches before the Advisory Council. Seretse Khama stated his reasons for wanting a change in the function of the Advisory Council. He pointed out that a Legislative Council was imperative in a country that was surrounded by racial societies. He stated that the Government should get the citizens of the Protectorate to participate in the Administration. He continually made reference to the Rhodesian and South African policies and why it was necessary to evolve a system in the Protectorate that would be an example to these racial territories.⁷⁵

In support of Seretse Khama, Kgosi Tshekedi Khama quoted a speech that was made in London by the Secretary of State when they were discussing the formation of Local Councils in British Protectorate and Colonies. He pointed out that the Chairman of that meeting had said that;

An African Advisory Council is the very worst training for people because they are allowed to criticize but they have no part in the management and it is only by actually taking part in the Administrative duties and by taking blame when things go wrong, that any of us can learn.

Kgosi Tshekedi added that their Council regretted to endorse such a statement but from the experience of the Bechuanaland Protectorate Advisory Council they were compelled to do so.⁷⁶

Meanwhile the Joint Advisory Council too was pressing for a change in the functions of the Councils. They wanted a Legislative Council. In 1957, during the sixth session of the Joint Advisory Council, Russell England, a representative of the European Advisory Council in the Joint Advisory Council, said;

There is need for the Territory's people to be given a share in the Government say [*sic*]. Failure to do so would result in bitterness and splintering of the Territory's people. Race relations in the Bechuanaland Protectorate are better than any other similar territories in the world.⁷⁷

A Legislative Council is formed at last

As a result of all these pressures the Government gave in. In 1958 the Joint Advisory Council elected a Constitutional Committee to deal with the drafting of the constitution for the proposed Legislative Council. This was composed of three Batswana and three

Europeans. The members included Kgosi Bathoen II, Dr. S.M. Molema, Seretse Khama and J.C. Haskins.⁷⁸

The Constitutional Committee prepared a report which was acceptable to the Joint Advisory Council in 1959. The long-awaited powers had finally been given to the people of the Protectorate. By these proposals they would now make laws and direct the policy of government. It had been a long struggle but with satisfying results. The Joint Advisory Council can be viewed as the seed-bed out of which grew the Legislative Council. These achievements cannot be attributed only to the Joint Advisory Council but a fair assessment would also attribute these successes to the relentless efforts of the African Advisory Council throughout the years of its existence.

Conclusion

By Dissolution Proclamation Number 72, of 30 December 1960, published in the Government Gazette,⁷⁹ the African Advisory and European Advisory Council were to be dissolved in April 1961—the date which was scheduled for the elections of members into the Legislative Council.

The African Advisory Council had managed in difficult circumstances to keep the Territory from incorporation into the Union. Many proclamations had been modified because of the African Advisory Council. Land, the main means of production and the people's livelihood, had been saved from European settlers. These successes should be viewed against the background of the vacillating policies of successive British Governments that seemed not to have a clear policy on what to do with High Commission Territories. The African Advisory Council "matured" in its 40th Anniversary. Its maturity was its replacement by a Legislative Council.

Notes

Kenneth Manungo, of the University of Zimbabwe, is currently on sabbatical leave at the University of Botswana. His essay, supervised by D. Kiyaga-Mulindwa, was completed in 1977.

¹ R.O. Collins, *Problems in Colonial History of Africa* (Englewood Cliffs, New Jersey: Prentice-Hall, 1970) pp 61–88, J. B. Webster, A.A. Boahen, & H. O. Idowu, *The Revolutionary Years West Africa Since 1800* (London: Longman, 1974) pp. 257–260, A. A. Gailey *History of Africa from 1800 to Present* (New York: Holt, Reinart & Winston., 1972) pp. 177–182, T. Hodgkin, *Nationalism in Colonial Africa* (New York: University Press, 1971) pp. 40 –47; T. Tlou, "Judgement on Indirect rule" (unpublished seminar paper)

² *Ibid*

³ G. Padmore, *How Britain Rules Africa*, (New York: Negro University Press, 1969), p. 315.

⁴ *Ibid*

⁵ Webster *et al.*, *The Revolutionary Years*.

⁶ Lord Hailey, *Native Administration in the British African Territories, Part V.* (London, H.M.S.O. 1953) pp. 56, 187, 191.

⁷ *Ibid*

⁸ *Ibid*, p. 189.

⁹ *Ibid.*, p. 192

¹⁰ Lord Hailey, *Native Administration.*, pp 198–9, A. Sillery, *Botswana A Short Political History* (London: Methuen & Co., 1974) pp 91–2

¹¹ Lord Hailey, *Native Administration*, p. 199

¹² *Ibid.*, pp. 198–9, A. Sillery, *Botswana*, p. 92.

¹³ Order in-Council, May, 1891, Laws of Bechunaland Protectorate, 1948 ed., vol. 1, p. 5.

¹⁴ Proclamation of 1899

¹⁵ Lord Hailey, *Native Administration*, p. 426

- ¹⁶ BNA S 13/4/2. R.C. (J.C.Macgregor) to High Commissioner's Secretary (Stanley), 5 June 1919.
- ¹⁷ BNA S 13/4/4 R.C. Macgregor to H.C. Lord Buxton, 5 Sept 1919, on Native Fund
- ¹⁸ *Ibid*
- ¹⁹ BNA S 13/4/1
- ²⁰ BNA S 13/4/3 H. C. Buxton to R.C. Macgregor, 22 Aug 1919
- ²¹ BNA S 13/4/16. HC to RC, 29 Sept 1920
- ²² BNA S 13/4/17, circular from R.C.'s office to Resident Magistrates, 9 Oct 1920
- ²³ *Ibid*.
- ²⁴ BNA S 13/4, memorandum, Kanye, 30 Oct 1920
- ²⁵ Interview with Kgosi Bathoen II, December 1976.
- ²⁶ BNB 232. Discussions in the first session of NAC, 2 Nov 1920
- ²⁷ *Ibid*.
- ²⁸ BNA S 13/4/26, RC to HC, 3 Sep 1920
- ²⁹ BNA S 13/4/36, R.M. Serowe to R.M. Gaberones, telegram, 23 Feb 1924
- ³⁰ BNA S14/3. Discussion in the Minutes of the 5th session of NAC, 1925
- ³¹ BNA S13/4/25, HC to RC, telegram, 1 Nov 1920
- ³² Interview with Kgosi Bathoen II, December 1976
- ³³ BNA BNB 234, 235, 236. Discussions in 1921, 1924, 1925 Sessions of NAC
- ³⁴ BNA S 14/2.B. I. Vickerman to RC, 6 Feb 1923
- ³⁵ BNA MSS 5. Cartoon on European demands to join the Union. (1922-1927).
- ³⁶ BNA BNB 236. Discussions at the 5th Session of the N.A.C., 1925.
- ³⁷ *Ibid*.
- ³⁸ The name of the Council is changed from 1940. There is no stated reason.
- ³⁹ BNA BNB 256. Minutes of the 25th Session of the AAC, 1944.
- ⁴⁰ BNA BNB 236. Discussions in the minutes of the 5th Session of the N.A.C.
- ⁴¹ BNA BNB 258. Minutes of A.A.C., 1946 Session.
- ⁴² M.D.K. Mongwa, "The political struggle between Baka-Nswazi under John Madawo and the Bangwato under Tshekedi Khama, 1926-1932". (B.A. dissertation, UBS, 1977)
- ⁴³ BNA S 13/4/143, Kgosi Gaborone to RC, 24 July 1923
- ⁴⁴ BNA S 13/4. Correspondence between Chiefs and RC in 1924.
- ⁴⁵ BNA S 13/4. Government circular Number 61 of 1925.
- ⁴⁶ BNA BNB 239. Isang Pilane and other delegates speaking at the 8th Sessions of 1928.
- ⁴⁷ BNA BNB 238. Councillor Isang Pilane speaking at the 7th of the N. A. C. in 1927
- ⁴⁸ Interview with Mr. G. Mosinyi (M.P.), 13 Dec 1976
- ⁴⁹ BNA S 353/13. Secret memo of C.F. Rey, 1930-31
- ⁵⁰ BNA BNB 245. Minutes of the 1932 Session.
- ⁵¹ *Ibid*.
- ⁵² BNA BNB 245. Resident Commissioner C.F. Rey answering Kgosi Tshekedi in the 14th session of NAC in 1932.
- ⁵³ Lord Hailey, *Native Administration* p. 220.
- ⁵⁴ Lord Hailey, *Native Administration*, pp. 216-220.
- ⁵⁵ The name "Native " was dropped in 1940 to be replaced by "African". From 1940 onwards the name of the Council on the Minutes is changed to African Advisory Council. The venue of the Council too went through changes. From 1920-1930 it met in Gaberones. Then for uncertain reasons the venue was changed and from 1931 to 1957 it met in Mafeking where the Resident Commissioner was based. From 1958 to 1960 it met in Lobatsi after members voiced displeasure over having to meet outside the Territory. See also Appendices.
- ⁵⁶ See Appendix 2.
- ⁵⁷ This is a recurrent theme throughout and it would be impossible to footnote all references but see 1929 NAC Session (BNB 241) 1949 A.A.C. Session, BNA BNB 261

⁵⁸ I have called it an "intra-struggle" because the ordinary people started to question the role Chiefs as being the only spokesmen for the Africans. People like Dr. S.M. Molema emphasised the need for "good brains" who were not Chiefs to be included in the delegations.

⁵⁹ BNA BNB 235. Minutes of the 5th Session of the NAC, 1924.

⁶⁰ In my interview with Mr. L. Seretse (M.P.) and Mr. M. L. Kgasa, they confirm the views that were expressed by Dr. S. M. Molema. They agree that Chiefs appointed their favourites. This was not true of all delegations, however, because Kgosi Bathoen II, in my interview with him, stated that his Bangwaketse delegation was chosen by the Chief and the people in the kgotla

⁶¹ Bangwato included the Bakalanga and the Babirwa.

⁶² This view was echoed by Kgosi Bathoen II in my interview with him in December, 1976. He said that the AAC was a powerless body. He went to say that it was "taxation without representation".

⁶³ BNA S 16/4/156. R.C. replying to delegates of the 1929 N.A.C. Session.

⁶⁴ BNA BNB 242. R.C. replying to Dr. Molema's question.

⁶⁵ BNA S 419/3.

⁶⁶ BNA S 253/2/1.

⁶⁷ BNA 71/6.

⁶⁸ BNA 71/6.

⁶⁹ BNA 71/6. Circular number 7583/5 dated 20 Sept 1950

⁷⁰ BNA BNB 263. Address of Mr M.L.Kgasa (Bangwaketse delegation) to the 1952 session, AAC.

⁷¹ *Ibid.*

⁷² *Ibid.* Mr M.L.Kgasa told me that Kgosi Tshekedi Khama was a dynamic speaker who kept the Administration "uneasy and worried". (Interview with M.L. Kgasa, Gaborone. 28 March 1977)

⁷³ BNA BNB 263. Secretary of State's letter quoted in the 1952 A.A.C. Session by R.C.

⁷⁴ BNA S 253/2/3/77

⁷⁵ BNA BNB 269. Mr. Seretse Khama addressing the 1958 38th Session of the A.A.C.

⁷⁶ BNA BNB 269. Minutes of the 6th J.A.C. Session.

⁷⁷ BNA BNB 783. Minutes of the 6th J.A.C. Session

⁷⁸ BNA BNB 792.

⁷⁹ BNA S 253/2/4.

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BNA MSS 5; BNA HC 88/21 (Order in Council of 1891); BNA BNB 232-271: Minutes of Native Advisory Council (1920-1939) and African Advisory Council (1940-1960) (40 Volumes); BNA BNB 776-795 Joint Advisory Council Minutes (1950-1960); BNA S 253/2/1-4; BNA S 106/7; BNA S 46/1; BNA S 16/1; BNA S 14/3; BNA S 14/6; BNA S 353/13; BNA S 419/3; BNA S 420/12; BNA S 13/4; BNA S 13/2; BNA S 12/3

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Interview with Kgosi Bathoen II (M.P. Gaborone. 8 Dec 1976

Interview with G.S. Mosinyi (M.P.) Gaborone. 13 Dec 1976

Interview with L. Seretse (M.P.) Gaborone. 14 Dec 1976

Interview with M.L. Kgasa Gaborone. 28 March 1977

Appendix 1: S 13/4/17

MINUTE

To: The Resident Magistrates at Gaberones & Kanye and the Magistrate at Molepolole.
Bechuanaland Protectorate Native Advisory Council

His Excellency the High Commissioner has approved of the following arrangements for the establishment of a Native Advisory Council in the Bechuanaland Protectorate:—

- a) That the Council shall consist of two members elected by each tribe according to their custom, and shall meet once a year at Gaberones, on or about the 1st of November in each year.
- b) That for the present the Council shall be confined to the Bakwena, Bangwaketse, Bakgatla and Bamalete, with two members each as stated above.
- c) That the Council shall discuss with the Resident Commissioner all matters affecting native interests which any of its members may desire to bring forward, especially the administration of the Native Fund.

— Please inform accordingly the Chief Sebele II, Linchwe and Seboko, Tshosa, and tell them (him) that His Honour will be glad to welcome the members of the first Council at Gaberones at 10.0'clock on Tuesday the 2nd day of November next.

J. Ellenberger
Government Secretary

Mafeking,
October 9th, 1920

Appendix 2: S 13/4 (25)

A Memorandum dated 20th October, 1920 from Mochudi

To His Honour, The Resident Commissioner, and Chiefs assembled in Council at Gaberones, on the 2nd day of November, 1920. May it please your Honour,

Whereas it is felt, not only by the native population, but also by the Government of Bechuanaland Protectorate, that it is desirable and absolutely necessary in the interests of the Native inhabitants of the said Province, to establish an association for the purpose of advancing, observing and considering native interests;

And whereas the Government feeling the need of such a native association, has already notified all the Chiefs to assemble as a body of expressing native opinion,

And whereas a certain proclamation No. 47 of 1919, known as the Bechuanaland Protectorate Native Proclamation of 1919, has been issued for the purpose of supporting the proposed Native Associations' plans. Now therefore, I do humbly beg to submit to his Honour the Resident Commissioner, and the Native Chiefs in Council assembled, the following proposals:—

1. that the aforesaid association be named the Bechuanaland Protectorate General Native Council;
2. that the council shall consist of the Northern and Southern Representative; and the members thereof as elected by each tribe;
3. that there be district councils:—Northern and Southern;
4. that the objects for which the association is established are as follows:—
 - a) To form a national vigilance association and deliberative assembly or council.
 - b) To unite, absorb, consolidate and preserve under its guidance existing rulers, political and educational, and other public bodies whose aims are the promotion and safe-guarding of the interests of the aboriginal races.
 - c) To be the medium for the expression of representative opinion, and to formulate a standard policy on matters pertaining to natives for the benefit and guidance of Government officials.
 - d) To educate the native people on their rights, duties and obligations to the State and to themselves, individually and collectively, and to promote mutual help, a feeling of fellowship, and a spirit of brotherhood among them.
 - e) To encourage mutual understanding and to bring together into common action as one political people, all tribes and clans of various tribes and races and by means of combined effort and united political organisations to defend their freedom, rights and privileges.

- f) To discourage and contend against racialism and tribal feuds, or to secure the elimination of racialism and tribal feuds, jealousy and petty quarrels, by economic combination, education, goodwill and by other means.
- g) To recommend, propose and lay before the Government for consideration and adoption, laws for the benefit of and protection of the native population, and also to watch proclamations issued, bills published by other bodies for legislation affecting native affairs, and to draft and present amendments thereto.
- h) To record all grievances and wants of native people, and to seek by constitutional means redress of the same, and to obtain legal advice and assistance.
- i) To establish or to assist in the establishment of national colleges or public institutions free from denomination control.
- j) To encourage the practice of habits of industry and thrift and cleanliness amongst the people and to propagate the gospel of dignity of labour.
- k) To establish a national fund for the purpose of the association, either by means of voluntary contributions periodical subscriptions, levies, charges, or other payments, and to hold and manage all funds raised for the objects of the association.
- l) To do all and every thing directly or indirectly to maintain and uplift the standard of the race morally and spiritually, mentally, materially, socially, and politically.

It shall be the object of the association to cooperate with any other association of this Protectorate, working for and aiming at the welfare of the Protectorate.

5. That the following be the *modus operandi*:—

The work of the association shall be carried out and advanced by means of resolutions, protest, constitutional and peaceful propaganda, by deputations and other forms of representations; by holding enquiries and investigations of grievances and other matters.

6. That Council shall consist of five members of each tribe, one of whom must be the ruling Chief.

In any of the meetings of the Council, the chiefs shall be assigned separate seats of honour and respect. The Chiefs shall also have precedence in reference to all rights of audience.

Whenever in the meeting there shall arise any question which in its nature and purport affects the personal interests of all or some or anyone of the Chiefs or their position, the matter shall be referred to the Chiefs themselves for discussion.

Appendix 3: S 253/2/124

Note on the history and constitution of the African Advisory Council

In 1920 a council of Africans was convened by the Resident Commissioner, with the sanction of the High Commissioner. It was known as the Native Advisory Council and its objective were to enable Chiefs and Councillors to consult together and to advise Government on native affairs generally. It had no legislative or executive powers or duties and was purely advisory.

Originally, only the tribes from the Southern Protectorate, namely Bakewna, Bakgatla, Bangwaketse, Bamaletse, Batlokwa and Barolong, were represented but in 1931 the Batawana joined the Council followed in 1940 by the Bamangwato. This latter tribe had for many years declined to take part in the work of the council but in 1938 and 1939 Chief Tshekedi Khama and certain councillors attended the meetings and became members in 1940.

For the first sixteen years of the Council's existence each tribe was represented by five members, of whom the Chief was one, who were elected in Kgotla. In 1937 a small change was made and the membership of each tribe then consisted of:-

The Chief.

3 members selected by the Chief.

1 member selected by the Resident Commissioner.

Until 1930, the Council held its meetings at Gaberones as being centrally situated but since 1931 it has been found more convenient to hold the meetings at the seat of Government, namely, Mafeking.

In 1940 the title of the Council was changed to African Advisory Council.

No formal constitution or rules had been drawn up until 1944 when a committee of Council was appointed to consider this matter. As a result a formal constitution was issued together with standing rules and orders. They have no statutory force.

At the same time, the membership was changed so as to make the number of representatives from each tribe approximately proportionate to the size of the tribe. The membership is now as follows:

| | |
|------------------|---------------------------------|
| Barolong. | The chief and two councillors |
| Bangwaketse. | The chief and three councillors |
| Bakwena. | The chief and three councillors |
| Bamalete | The chief and two councillors |
| Batlakwa | The chief and two councillors |
| Bakgatla | The chief and two councillors |
| Bamangwato | The chief and seven councillors |
| Batawana | The chief and two councillors |
| Francistown area | Two councillors |
| Kgalagadi | Two councillors |

making a total of 35 members.

There are no European members of the council with the exception of the Resident Commissioner who is the President. All meetings are attended by the Government Secretary and the District Commissioners, and when necessary, Heads of Departments are asked to attend in order to speak on matters within the scope of their respective departments.

Appendix 4: S245/2/4 (2)

Note on present position of Advisory Councils in the Territory

1. It is Government's policy at present, while resisting the demands made periodically by the African section of the community for altering the purely advisory character of Councils and eventually constituting a Legislative Council, to increase the value of the Advisory councils to Government wherever possible. Generally speaking it is hoped to accomplish this policy by —

- a) Holding more frequent meetings, in the case of the Joint Advisory Council;
- b) Making arrangements for business to be conducted, wherever possible, by Standing Committees and other subsidiary bodies such as the Livestock Industry Advisory Board;
- c) Abolishing the "caucus" system which had reduced African Advisory Council debates to the level of a farce;
- d) Constituting the African Advisory Council on a statutory basis;
- e) Identifying Council meetings more closely with the territory by holding them, wherever possible, in Lobatsi.

2. The following steps have accordingly been taken recently to implement this policy:—

a) A meeting of the Joint Advisory Council was planned in November 1957, which was to be in addition to the annual meeting which had been held in February 1957. Unfortunately, owing to the emergency created by the outbreak of Foot and Mouth disease and the subsequent loss of the territory's cattle market in Johannesburg, it was found necessary to postpone this meeting. The initial suggestion that it should be postponed came from the Chairman of the European Advisory Council, and the postponement was only agreed to after the Chairman of the African Advisory Council had also been conducted. In future years it is hoped that Council meetings will take place at the following times:

| | |
|---|-------------------|
| 1st meeting, European Advisory Council: | February/March. |
| 1st meeting, Joint Advisory Council: | February/March. |
| African Advisory Council meeting: | May. |
| 2nd meeting, European Advisory Council: | October/November. |
| 2nd meeting, Joint Advisory Council | October/November |

b) During 1957 four meetings of the Standing Committee of the African Advisory Council and two meetings of a sub-committee of the Joint Advisory Council were held. In addition, the Livestock Industry Board was statutorily established by Proclamation 41 of 1957, and two meetings of this Board will have been held by the end of the year.

c) The 37th session of the African Advisory Council, held in May 1957, was probably the most productive session in the history of the council. There were nineteen items on the agenda, and all were fully debated in Council, whose meeting lasted for 5½ days. The Chairman of the Council, in his closing address, remarked that there had been a marked advancement shown in the type of items submitted for discussion, in the standard debate, and in the work performed by the standing committee as a result of the reconstruction of Council.

d) An African Advisory Council Proclamation, originally based on Cap. 36 of the Laws (European Advisory Proclamation), was discussed at the 36th session of the African Advisory Council in 1956. As a result of these discussions, further drafts were prepared and debated at two Standing Committee meetings, the Standing Committee having been given a mandate by Council to act on its behalf in this matter. A final draft was agreed upon by Government and the Standing Committee, and this draft was forwarded to the Deputy High Commissioner on 2nd September, 1957. The early promulgation of the Proclamation is expected.

e) During 1957, the following meetings were held in Lobatsi:—

African Advisory Council.

Two meetings African Advisory Council.

Standing Committee

Joint Advisory Council sub-committee.

It has been intended to hold meetings of the European Advisory Council and Joint Advisory Council in Lobatsi in November 1957, but these two meetings had, perforce, to be postponed (see paragraph 2(a) above). It will prove necessary to hold all future meetings of the African Advisory and Joint Advisory Council in Lobatsi for as long as Mr. Seretse Khama is a member of the these two councils, since he is a prohibited immigrant in the Union Of South Africa. In view of the fact that the European at its 59th session made a recommendation that future meetings of this Council should also be held in Lobatsi, it is probable that in future all, or nearly all, council meetings will be held there. The new High Court Building will almost certainly be the venue for these meetings.

3. Apart from the steps consciously taken by Government to increase the value of the Advisory Councils, the following important developments regarding Councils have taken place recently:-

a) The Muslim Community has applied to Government for representation on the Joint Advisory Council. The application was debated at the sixth session of the Joint Advisory Council. There were no speakers against the principle that the Muslim Community should be allowed some form of representation, but the Council split on the issue of whether the community should be given representation on a racial basis as a separate community. Eventually 8 members of Council voted for such representation and 7 against it. The question is still under consideration.

b) Various amendments to the European Advisory Council constitution are under consideration and a draft will be prepared for the next session. Among the matters for consideration is the important one of whether Government officials should be allowed to vote in the European Advisory Council elections.

4. All this conciliar and advisory activity is useful but, especially now that certain meetings have to be held at Lobatsi, its continuing development on several fronts (Joint advisory Council, Livestock and other Boards) means that an increasing strain is being thrown on to the Government officers and unofficial members who serve on these councils, boards and their sub-committees. It is interesting to note that fourteen Government officers and seventeen unofficial members serve on more than one Council.

5. It is for consideration, therefore, from purely practical and administrative reasons (as opposed to reasons for constitutional development) whether the present system should be guided into any particular channel. For example, should the Joint Advisory Council be regarded as ultimately the only Council which is likely to remain and be expanded in numbers and powers, or would such a development be frowned on as being certain to raise in an acute form the question of a Legislative Council?

6. At present, there is a great deal of overlapping and wasted effort and I should be grateful if I might discuss with your Excellency the best line of development.