



ORGANIZATION OF
AFRICAN UNITY

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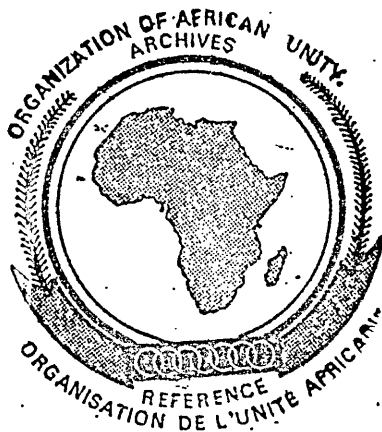
Thirty-First Session

Khartoum, Sudan

July, 1978.

BOUNDARIES BETWEEN LESOTHO AND SOUTH AFRICA WITH
SPECIAL REFERENCE TO LESOTHO'S TERRITORY WHICH
HAS BEEN OCCUPIED BY SOUTH AFRICA FOR OVER A CENTURY

(proposed by Lesotho)



WORKING PAPER

1. Before the advent of white colonialists in Africa the whole of the African continent was African land.
2. In the Southern part of Africa the Zulu, Shosa and Sesotho speaking peoples respectively occupied the Eastern, Western and Central parts of the sub-continent.
3. The Basotho under Moshoeshoe were settled in the whole of the present so called Orange Free State, part of the Eastern Cape Province and the present Lesotho.
4. Successive expeditions and movements into the interior by the Boers signalled the beginning of land disputes with the Africans.
5. The Boers moved from coastal stations or settlements in search for more land and later in revolt against British rule.
6. As they moved into the interior they came to that part of the country occupied by Basotho.
7. Although they requested Moshoeshoe for temporary sojourn to replenish their provisions they finally settled.
8. Moshoeshoe refuted their claims and protested to the Cape Colonial administration which had never absolved sovereignty over them.
9. Instead of demolishing such settlements on the land of the Basotho the colonial administration and unsatisfactory treaties to protect the Boers over the land which was not theirs.
10. The first of such treaties was the Napier Treaty of 1843. It legalised encroachment on Moshoeshoe's land.

.../Several other treaties

11. Several other treaties followed until 1868 when Sir Phillip Wodehouse made the last one in which ceded what they later called "conquered Territory".
12. Every such Treaty dispossessed Basotho more and more of their land.
13. The British made no attempts whatsoever to implement the treaties but they were in collusion with the Boers all the time in their encroachments.

Although Lesotho became a British Protectorate in 1868 the then British Administration neither restored ceded and conquered lands to Lesotho nor made the Boers owe allegiance to the authority in Lesotho. The Colonial Administration adhered to injustice created by these unequal and unilateral treaties that had been made.

Unsuccessful attempts were made both prior and after independence to recover ceded and conquered territories. The South African Government though it originally claimed willingness to resolve the issue later changed its position to the delimitation of the existing boundaries. Lesotho has now decided to take the matter up by pursuing its claims endorsed in General Assembly resolution 1817(XVII)

- (a) The annexed maps show clearly that Lesotho's territory was from time to time unlawfully allocated to the Boers by the British authorities.
- (b) Moshoeshoe did not consent to those treaties.
- (c) According to our laws and customs land can never be alienated from the nation through purchase or gift. It can be allocated for use as long as the user owes allegiance to the King. As Moshoeshoe rightly pointed out to Her Majesty's Government that he had never given the Boers the right of owner/propriety to the land they were allowed to occupy.

THE GENERAL ASSEMBLY,

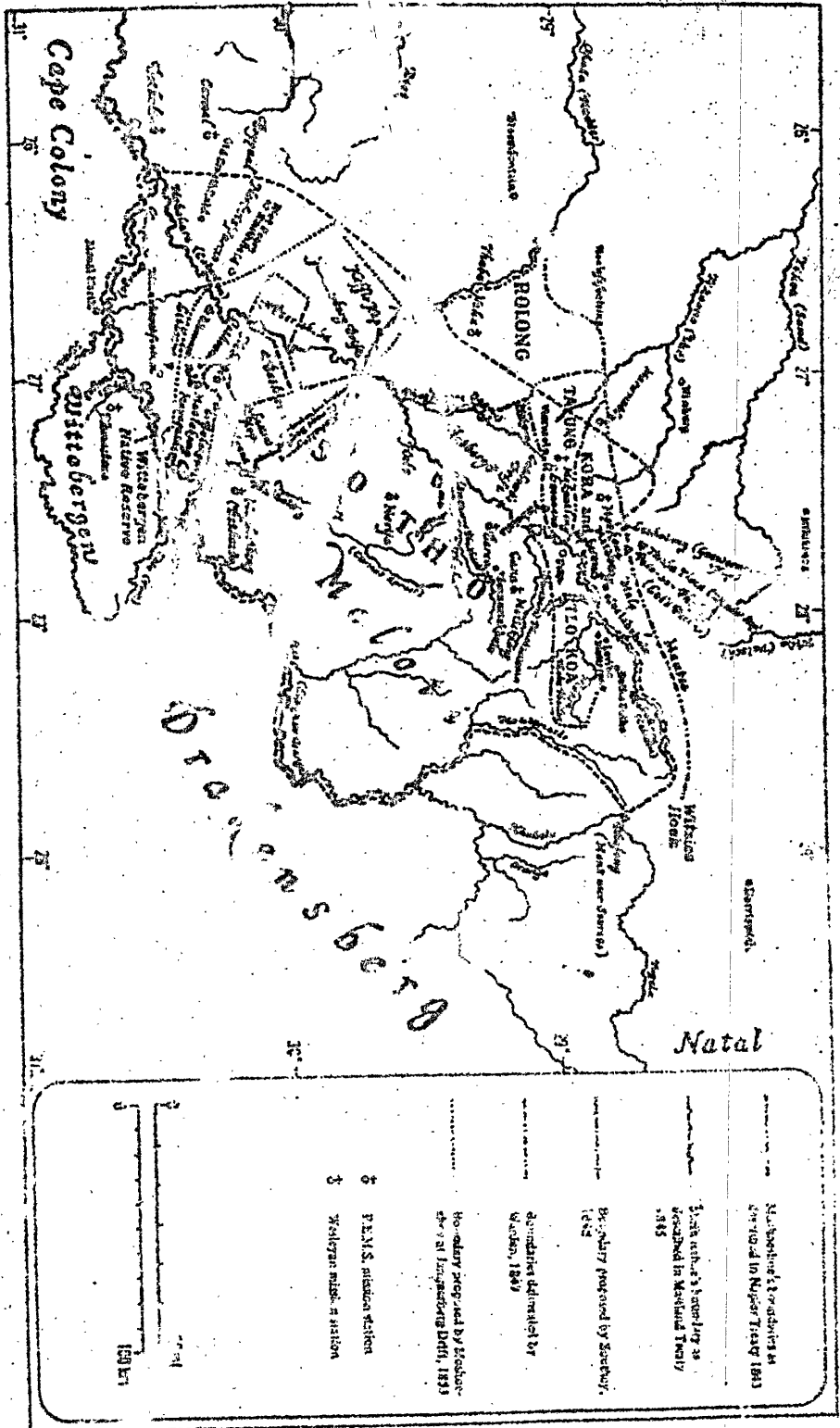
RECALLING ITS RESOLUTION 1514 (XV) OF 14 DECEMBER 1960 EMBODYING THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES, AND ITS RESOLUTION 1654 (XVI) OF 27 NOVEMBER 1961 BY WHICH IT ESTABLISHED A SPECIAL COMMITTEE TO EXAMINE THE IMPLEMENTATION OF THE DECLARATION, HAVING CONSIDERED CHAPTER V OF THE REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE INDEPENDENCE OF COLONIAL COUNTRIES AND PEOPLES, RELATING TO THE QUESTION OF BASUTOLAND, BECHUANALAND AND SWAZILAND,

HAVING HEARD THE PETITIONERS, NOTING THAT THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AS THE ADMINISTERING POWER, HAS NOT YET IMPLEMENTED THE DECLARATION IN THESE TERRITORIES AND HAS NOT TAKEN STEPS TO TRANSFER ALL POWERS TO THE PEOPLES OF BASUTOLAND, BECHUANALAND AND SWAZILAND, NOTING THAT THE CONSTITUTIONAL PROVISIONS NOW CONTEMPLATED FOR THESE TERRITORIES AND THE ELECTORAL LEGISLATION IN FORCE ARE DISCRIMINATORY, DO NOT MEET THE WISHES OF THE PEOPLES AND ARE NOT CONSISTENT WITH THE DECLARATION,

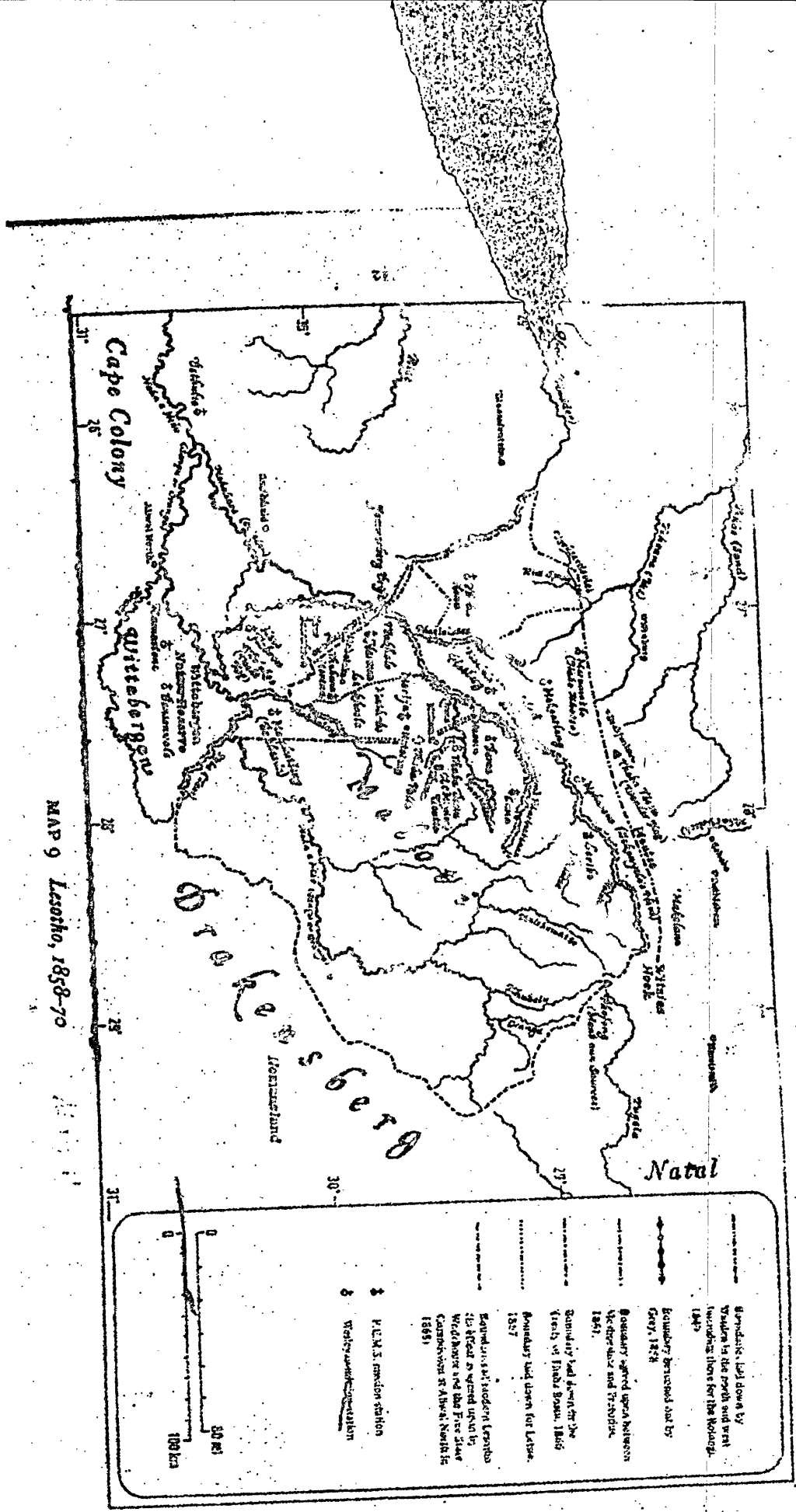
DEPLORING THE PARTICULARLY ALARMING ECONOMIC AND SOCIAL SITUATION PREVAILING IN BASUTOLAND, BECHUANALAND AND SWAZILAND AFTER SEVERAL DECADES OF COLONIAL RULE, EXPRESSING ITS PROFOUND CONCERN AT THE DECLARED INTENTION OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA TO ANNEX THESE TERRITORIES AND CONDEMNING ANY ATTEMPT TO JEOPARDIZE THE RIGHT OF THE PEOPLES OF THESE TERRITORIES TO ESTABLISH THEIR OWN INDEPENDENT STATES,

TAKING NOTE OF THE STATEMENT MADE BY THE ADMINISTERING POWER TO THE EFFECT THAT THESE TERRITORIES ARE POLITICALLY COMPLETELY INDEPENDENT OF SOUTH AFRICA AND THAT THE UNITED KINGDOM GOVERNMENT ADHERES TO THIS POLICY, AND THAT THERE IS NO QUESTION OF THAT GOVERNMENT AGREEING AT THIS STAGE TO THE TRANSFER OF THESE TERRITORIES TO THE REPUBLIC OF SOUTH AFRICA,

1. REAFFIRMS THE INALIENABLE RIGHT OF THE PEOPLES OF BASUTOLAND, BECHUANALAND AND SWAZILAND TO SELF-DETERMINATION AND INDEPENDENCE
2. INVITES THE ADMINISTERING POWER IMMEDIATELY TO SUSPEND THE PRESENT CONSTITUTIONAL PROVISIONS AND TO PROCEED WITHOUT FURTHER DELAY TO HOLD ELECTIONS IN THE THREE TERRITORIES ON THE BASIS OF DIRECT UNIVERSAL ADULT SUFFRAGE,
3. INVITES FURTHER THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO ABROGATE THE PRESENT CONSTITUTIONAL PROVISIONS AND TO CONVENE IMMEDIATELY A CONSTITUTIONAL CONFERENCE WITH THE PARTICIPATION OF THE DEMOCRATICALLY ELECTED POLITICAL LEADERS OF THE THREE TERRITORIES, WITH A VIEW TO SETTING, IN ACCORDANCE WITH THEIR WISHES, THE DATE ON WHICH EACH OF THE TERRITORIES WILL ATTAIN ITS INDEPENDENCE,
4. CONSIDERS THAT A SERIOUS EFFORT SHOULD BE MADE TO PROVIDE ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION AND THE SPECIALIZED NATIONS PROGRAMMES OF TECHNICAL COOPERATION AND THE SPECIALIZED AGENCIES, IN ORDER TO REMEDY THE DEPLORABLE ECONOMIC AND SOCIAL SITUATION OF THE THREE TERRITORIES,
5. URGES THE ADMINISTERING POWER TO TAKE IMMEDIATE STEPS TO RETURN TO THE INDIGENOUS INHABITANTS ALL THE LAND TAKEN FROM THEM, WHATEVER THE FORM OR PRETEXT FOR, SUCH ALIENATION,
6. DECLARES SOLEMNLY THAT ANY ATTEMPT TO ANNEX BASUTOLAND, BECHUANALAND OR SWAZILAND, OR TO ENCROACH UPON THEIR TERRITORIAL INTEGRITY IN ANY WAY, WILL BE REGARDED BY THE UNITED NATIONS AS AN ACT OF AGGRESSION VIOLATING THE CHARTER OF THE UNITED NATIONS.



MAP 6 Lesotho, 1848-58



LAND AND THE IMMIGRANTS



1978-07

Boundaries Between Lesotho and South Africa With Special Reference to Lesotho's Territory Which Has Been Occupied by South Africa for Over a Century (Proposed by Lesotho)

Organization of African Unity

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