

## THE LEAGUE OF NATIONS: SOUTH AFRICA AND THE REHOBOTH BASTERS' CONSTITUTIONAL STRUGGLE, 1919-1939

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### **Opsomming**

*Die groep mense van gemengde afkoms wat gedurende die agtiende eeu in die Noordwes-Kaap hulle ontstaan gehad het, en later as die Rehoboth-Basters bekend geword het, het in 1868 die Kaapkolonie verlaat en hulle in 1870 in Rehoboth en omgewing in die gebied wat later as Duits-Suidwes-Afrika bekend was, gevestig. Suid-Afrika het in 1915 Duits-Suidwes-Afrika binnegeval en verower. Suidwes-Afrika is na afloop van die Eerste Wêreldoorlog as 'n C-mandaatgebied aan Suid-Afrika toegeken. Mandaathouers was onder die verpligting om C-mandaatgebiede te bestuur "...as integral portions thereof..., but in the interest of the indigenous population" en onder jurisdiksie van die Volkebond. Hierdie verpligting is later vervat in Artikel 22 van die handves van die Volkebond en is verwys na as die sogenaamde "sacred trust". Hierdie artikel fokus op die konstitusionele stryd van die Rehoboth-Basters en die reaksie van die Suid-Afrikaanse Regering en die Volkebond in die lig van die sogenaamde "sacred trust". Baster-Suid-Afrikaanse verhoudinge is van meet af aan gekenmerk deur delikate konstitusionele onderhandelinge. Die Basteraad het ondanks hewige teenstand 'n konstitusionele ooreenkoms in Augustus 1923 aanvaar. Die ontevredenes het daarop hulle eie raad verkies, waarna verskeie vrugtelose versoeningspogings gevolg het. In Desember 1924 is die Suid-Afrikaanse Regering met 'n eensydige onafhanklikheidsverklaring gekonfronteer, maar in April 1925 het die Suid-Afrikaanse Regering via magsvertoon die rebelle tot oorgawe gedwing. Die gesloer met die verslag van regter J. De Villiers het groot frustrasie in Bastergeledere veroorsaak. Die rebelle het hulle male sonder tal op die Volkebond en die Goewerneur-generaal beroep, en het die hantering van die Basterkwessie uiteindelik tot konfrontasie tussen die Suid-Afrikaanse Regering en die Volkebond gelei. Die Baster Adviserende Raad wat deur die Suid-Afrikaanse regering in April 1928 ingestel is, is suksesvol deur die ontevredenes geboikot. In Augustus 1932 het die kaptein van die ontevredenes en 'n groot aantal van sy volgelingen, gemotiveer deur die advies van die Volkebond en die ekonomiese probleme van die dertigerjare versoen met die Minderheidsparty. 'n Grotendeels verenigde Bastergemeenskap het daarna tevergeefs gepoog om hulle konstitusionele posisie te verbeter. In 1939 het die Suid-Afrikaanse Geard-Allen-kommissie aanbeveel dat die Basterkonstitusie nie in daardie stadium heringestel kon word nie, aangesien die Bastersleiers onbevoeg was om die Bastergemeenskap effektief te bestuur.*

## 1. Introduction

The revolver shot that killed Archduke Frans Ferdinand, heir-apparent to the Austrian-Hungarian throne and his wife at the hands of a Serbian terrorist at Sarajevo, Bosnia, on 28 June 1914 not only had the great powers at each other's throats, resulting in the First World War. It also brought the territory today known as Namibia within the sphere of influence of the young British-oriented dominion, the Union of South Africa. For the next 75 years, until Namibia obtained its independence in 1990, the vicissitudes of the region and its people would be very closely tied to the politics of South Africa. Within this region, in the heart of the former German colony, the lives and ideals of a small homogeneous group of people were also directly affected by the war. These people were the Rehoboth Basters.

The origin of this group of mixed descent could be taken back to *De Tuin* in the remote Northwest-Cape where during the nineteenth century they had developed into a defined community under the influence of Rhenish missionaries. In 1868 the Basters left this region in search of "a promised land" north of the Orange River. The aspiration for their own territory and independence motivated this migration – ideals that still today dominate the history of the Rehoboth Basters. Once settled in Rehoboth and vicinity, it was still a long and arduous struggle to have their identity acknowledged and to gain independence.

Since 1884 under German authority, the main characteristics of their existence in this period were their aspiration to retain the Rehoboth *Gebiet* [territory]. This aspiration included the independent exercise of their jurisdiction by their own Council and Captain according to the Friendship and Protection Treaty of September 1885. In fact, it was these aspirations that came into play when South Africa entered the First World War in 1914 on the side of Great Britain and was requested to invade German South-West Africa. With the South African conquest of the territory a new dimension commenced in the history of the Rehoboth Basters.<sup>1</sup> These events, and the development of this dimension over nearly two and a half decades, are the story to be uncovered in this article: the vision of a nation and the struggle to realise a dream, with all the resources at hand, even force.

With the Peace Accord of Khorab on 9 July 1915 the German administration in South-West Africa was formally terminated.<sup>2</sup> During the Military Control Period (1915-1920) the South African Government did not actively address the problem of the administration of the Rehoboth *Gebiet*. Confronted, however, with a petition of protest from the Basters in this regard,<sup>3</sup> the first extended administrative arrangements

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<sup>1</sup> G.J.J. Oosthuizen, "Rehoboth-Basters binne die konteks van die staatkundige verhoudinge tussen Suidwes-Afrika en Suid-Afrika, 1915-1939" (Ph. D. Potchefstroom University for CHE, 1993), pp. xi, 2-77.

<sup>2</sup> Public Record Office (PRO), London, CO 551:74, Telegram Governor General of the Union of South Africa/Secretary of State for the Colonies, 10 July 1915; Archives of the South African National Defence Force (hereafter SANDF), Pretoria, DC 728:DB 1432/9199, sub-file DB 24/1432/Z, Minute 850, 9 July 1915; *The Times*, 12 July 1915.

<sup>3</sup> SANDF DC 1129:1558/9199, Petition Thomas/Botha, 26 May 1916.

concerning the Rehoboth *Gebiet* were instituted in July 1916.<sup>4</sup> Through this the Baster Council recovered some of the status it had enjoyed under German rule.

The quest for independence by the Rehoboth Basters only really gained momentum with the visit of D.W. Drew (South African Member of Parliament) in August 1917.<sup>5</sup> Inspired by Drew, the Baster leaders in vain attempted to take the initiative in the arrangement of their constitutional position by insisting on protectorate status for the Rehoboth *Gebiet*. The South African Government was, however, not prepared to allow the creation of a semi-independent state in the heartland of South-West Africa.<sup>6</sup>

## 2. The institution of Mandate Rule

In January 1919 seventy representatives of the Allied Powers attended the Paris Peace Conference. There was sharp disagreement on the fate of the former German colonies among the conferees. On the one hand Woodrow Wilson, with his demand for self-determination, summarily rejected the direct annexation of conquered territories. On the other hand, France, South Africa, Australia and New Zealand were in favour of annexation.<sup>7</sup> At last, at the initiative of General J.C. Smuts, it was decided to reconcile the two conflicting viewpoints by implementing a mandate system. Based on the development level of the inhabitants and territories involved, three types of mandates were instituted. A Mandate territories, inhabited by developed people, could be recognised as independent states within a relatively short period of time. B Mandates included the territories in Central Africa inhabited by less developed nations, while C Mandates were on a still lower development level and could be managed as an integral part of the mandatory involved.<sup>8</sup>

Early in May 1919, before the signing of the Peace Treaty of Versailles on 28 June 1919, South-West Africa was awarded as a class C Mandate to South Africa.<sup>9</sup> After legal advisers had moulded the draft mandate into treaty format, the League of Nations formally approved these concepts by mid-December 1920.<sup>10</sup> In the meanwhile, in

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<sup>4</sup> National Archives, Windhoek (hereafter NAW), SWAA A206/4 Rehoboth Baster Gebiet. Administration of territory (vol. 1), Letter Deputy Secretary for the Protectorate/Military Magistrate, 18 July 1916.

<sup>5</sup> NAW SWAA A206/20 Rehoboth Bastard Gebiet. Petitions to the Government, Letter Military Magistrate/Secretary for the Protectorate, 11 September 1917.

<sup>6</sup> See Oosthuizen, "Rehoboth-Basters", pp. 78-101.

<sup>7</sup> G.J.J. Oosthuizen, "Die konstitusionele ontwikkeling van Suidwes-Afrika, 1919-1926" (MA, PU for CHE, 1985), pp.23-25.

<sup>8</sup> S.J. Schoeman, "Suidwes-Afrika onder militêre bestuur, 1915-1920" (MA, University of South Africa, 1975), pp.182, 184.

<sup>9</sup> G-M Cockram, *South West African Mandate* (Cape Town, 1976), p. 49.

<sup>10</sup> R.N. Cowdhuri, *International mandates and trusteeship systems: A comparative study* (The Hague, 1955), p.80; Q. Wright, *Mandates under the League of Nations* (New York, 1968), p. 48.

September 1919 the Union Parliament had already by virtue of the Treaty of Peace and South West Africa Mandate Act (Act 49 of 1919) accepted its responsibility as mandatory.<sup>11</sup> With the awarding of C Mandate status to South-West Africa, the territory was placed under South African foster-care as a developing state. The mandate agreement between the South African Government and the League of Nations had the well-being of the indigenous peoples as primary aim. The mandatory had to administer C mandates "...as integral portions thereof..., but in the interest of the indigenous population" and under the jurisdiction of the League of Nations. This obligation to administer mandates to the benefit of the local inhabitants, referred to as the "sacred trust", later became Article 22 of the League of Nations' charter.<sup>12</sup> Accordingly, the Permanent Mandates Commission scrutinised the treatment of the different ethnic groups of South-West Africa by South Africa with a critical eye.

The developments in Paris were received with mixed feelings by the residents of South-West Africa. On the one hand the Germans were unhappy because South-West Africa could be managed as part of the Union and their alliance with Germany had been severed.<sup>13</sup> On the other hand, the white South Africans in South-West Africa and the other population groups were overjoyed to fall under the jurisdiction of South Africa.<sup>14</sup>

The events in Paris also did not go unnoticed in the Rehoboth *Gebiet*. Inspired by and with the help of Baster spokesperson D.W. Drew, the Basters now endeavoured to take the initiative in regulating their own future constitutional status. Drew visited Rehoboth in November 1919 and compiled a draft treaty between King George V and Captain Cornelius van Wijk.<sup>15</sup> The Basters wished the Rehoboth *Gebiet* to be administered as a British protectorate. To this end Cornelius van Wijk requested the British king to take his (Van Wyk's) country and nation under his protection. As a visible token of the British protection, the British flag would wave over the Rehoboth *Gebiet*. Also, a British resident commissioner had to be appointed as representative of the British king.<sup>16</sup> The intention was that this document would replace the Friendship and Protection Treaty of 1885 and that the South African Government as representative of the British king in South-West Africa would sanction this document.

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<sup>11</sup> Cockram, *South West African Mandate*, p. 49.

<sup>12</sup> "Mandate for German South-West Africa, 17 December 1920", *Official Gazette of South-West Africa*, 17 June 1921, p. 232; *The Times*, 9 February 1921.

<sup>13</sup> *Allgemeine Zeitung*, 27 January 1920; *The Windhoek Advertiser*, 4 September 1920.

<sup>14</sup> *The Windhoek Advertiser*, 2 October 1920; CD 9146, *Union of South Africa, Report on the natives of South-West Africa and their treatment by Germany*.

<sup>15</sup> NAW ADM 104:3263, Letter Drew/Smuts, 8 April 1920, p. 1; *Südwest-Zuid West*, 29 October 1920.

<sup>16</sup> ADM 104:3263, Konsept Verdrag tussen Zijn Britse Majesteit George V en Kapitein Cornelis van Wyk van Rehoboth (Bylaag tot Petitie Kapitein en Raad/Administrateur, 25 March 1920; *Südwest-Zuid West*, 29 October 1920.

By the second half of 1920 the South African Government had started making preparations to fulfil its obligations as mandatory of South-West Africa. In October 1920 a parliamentary commission under the chairmanship of N.J. de Wet, Minister of Justice, was appointed to work out a future governing dispensation for South-West Africa.<sup>17</sup> The De Wet Commission had to determine how South-West Africa could be managed as a mandate territory:

...under the laws of the Union as an integral portion thereof, what should be the future form of government of that territory; in how far it can be governed as a Province of the Union, and when and in how far representation should be given to its population, both locally and in the Union Parliament; and, in the meantime, what changes should be made in the administration on the withdrawal of martial law.<sup>18</sup>

At the end of October and the beginning of November 1920 the Commission heard evidence in South-West Africa.<sup>19</sup> The Rehoboth Basters also, represented by a deputation consisting of acting Captain Albert Mouton, Councillors Dirk van Wyk, Piet Beukes and Pieter Mouton and secretary F.W. Maasdorp, made use of the opportunity to argue their constitutional position on the basis of the draft treaty.<sup>20</sup> Although the Commission gave the Baster delegation a hearing, no recommendations with regard to the Basters were made.<sup>21</sup> The Commission recommended the appointment of a white Advisory Council of six members to assist the Administrator as an interim measure. One member should specifically be designated to attend to the needs of non-whites.<sup>22</sup> The South African Government accepted this recommendation. Consequently the Indemnity and Withdrawal of Martial Law Proclamation terminated military control in South-West Africa on 31 December 1920 and the mandate management commenced the following day.<sup>23</sup>

### 3. The "Negotiated" 1923 Agreement

In the meantime, the Basters had unfailingly worked toward the recognition of the *Konsept Verdrag* (Draft Treaty). In December 1920, just after the appointment of G.R.

<sup>17</sup> Oosthuizen, "Konstitutionele ontwikkeling van Suidwes-Afrika", pp. 54-55.

<sup>18</sup> SWAA 2/1/2 Unregistered Correspondence and Papers. Advisory Council, Report N.J. de Wet, *et al*/Acting Governor-General, 11 November 1920, pp. 1-2.

<sup>19</sup> U.G.24-1921, *Interim and final reports of the commission appointed to enquire into the question of the future form of government in the South-West Africa Protectorate*, p. 8.

<sup>20</sup> NAW A219:8, Volmacht, C. van Wyk, 20.09.1920; ADM 136:6642, Letter C. van Wyk/Magistrate, 20 September 1920.

<sup>21</sup> SWAA 2/1/2 Unregistered Correspondence and Papers. Advisory Council, Report N.J. de Wet, *et al*/Acting Governor-General, 11 November 1920, p. 2.

<sup>22</sup> Oosthuizen, "Konstitutionele ontwikkeling van Suidwes-Afrika", p. 59.

<sup>23</sup> *Official Gazette of the Protectorate of South-West Africa*, 31 December 1920, pp. 1-3.

Hofmeyr as Administrator, a Baster deputation requested him to recognise the *Konsept Verdrag*. Hofmeyr explained to the deputation that the retention of their rights was not inherent in such treaties, but in friendly co-operation with the Administration.<sup>24</sup> He assured the Baster deputation that: "This Administration was most anxious to assist the community in the defence of all rights which they might legally and reasonably claim."<sup>25</sup> Thereby Administrator Hofmeyr pledged himself in vague terms to the protection of the specific constitutional privileges of the Basters. However, at the same time the *Konsept Verdrag* and accompanying dream of the Rehoboth *Gebiet* as a British protectorate was crushed.

From the point of view of the Basters, the military control period had been a big disappointment. Fruitless efforts by the Basters followed to bargain for a constitutional agreement with the South African Government. Motivated and assisted by D.W. Drew as well as Woodrow Wilson's demand for self-determination, the Basters to no avail tried to persuade the British and South African governments to recognise the Rehoboth *Gebiet* as a protectorate territory. These unsuccessful attempts did not, however, discourage the Basters. During the next few years Baster-South African relations were accordingly characterised by labourious constitutional negotiations.

In January 1922 a draft agreement, compiled by the South-West African Administration (hereafter Administration), was submitted to the Baster Council. This proposed agreement was not, however, acceptable to the Baster community, since the proposed agreement differed in some respects from the 1885 agreement.<sup>26</sup> A source of great concern and irritation for the Basters was that the South African Administrator could extend the administration of some laws that were valid in the rest of South-West Africa to the Rehoboth *Gebiet*. On the other hand, the 1885 treaty contained no stipulation according to which German laws were enforceable in the Rehoboth *Gebiet*. According to the draft agreement only the white Magistrate heard all lawsuits where whites were involved. This was in sharp contrast with the German undertaking that a mixed court, consisting of representatives of the Baster and German government, would hear lawsuits between whites and Rehoboth Basters.

Under South African jurisdiction the Basters had to pay a total annual amount in taxes, although only after deliberation with the Baster leaders. The Germans, on the other hand, had undertaken not to meddle with the privilege of the Baster Captain and Council to collect taxes in the Rehoboth *Gebiet*. While the German authorities had undertaken to honour the treaties that the Basters had signed with indigenous groups of South-West Africa before the 1885 treaty, the South Africans planned to revoke all German-Baster treaties.

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<sup>24</sup> Central Archives Depot, Pretoria (hereafter CAD), PM 1/1/383:135/1919 (vol. 2), Letter Administrator/Smuts, 14 December 1920, pp. 2-3.

<sup>25</sup> NAW A312:32/109, Memorandum by the Administrator on the Administration of the territory of South-West Africa since his assumption of duty on the 18th October, 1920, p. 52.

<sup>26</sup> Oosthuizen, "Rehoboth-Basters", pp. 34-35, 110-112.

However, one should note that the German authorities, despite the stipulations of the 1885 treaty, had gradually started to curtail the Basters' independent jurisdiction and privileges. German laws were increasingly enforced in the Rehoboth *Gebiet*, an annual total amount in taxes was levied and the office of captain was demoted to that of a paid German official with the title "foreman".<sup>27</sup> The regulation of Baster-German relations in 1885 and the actual situation by the time of the Union takeover therefore differed considerably. To a certain extent the South African Government tried to give statutory recognition with the 1922 draft treaty to existing practice.

The Baster Council was nonetheless bulldozed by Administrator Hofmeyr into signing the agreement in 1923 against the will of the majority of Basters and, as a result, was placed in an untenable position.<sup>28</sup> The council members were hence forth regarded with resentment by the majority of the Basters and were treated like lepers by the malcontents.

#### 4. The conflict between the Old and New Councils

The malcontents initiated an effective resistance action and elected their own Council (New Council) and a Parliamentary Council.<sup>29</sup> The resistance action was successful to such an extent that members of the Old Council had to look on helplessly as the malcontents managed the Rehoboth *Gebiet*. The effectiveness of the malcontents' resistance action is clear from the comment of Acting Magistrate Schulz on 16 May 1924 to the Administration: "The old Raad are practically powerless and not in a position - owing to local conditions - to administer their laws adequately."<sup>30</sup>

The malcontents on 27 June 1924 directed a petition to the League of Nations in which they protested against the 1922 agreement and the refusal of the Administration to recognise them as the constitutionally elected Council of the Rehoboth *Gebiet*. They expressed the hope that the League of Nations would invite them to personally convey their grievances in Geneva.<sup>31</sup> However, they also came up against a wall. The reaction of the League of Nations was that such petitions should be submitted via the mandatory – the Union of South Africa. Consequently the petition was returned to them.<sup>32</sup>

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<sup>27</sup> Oosthuizen, "Rehoboth-Basters", pp. 50-52.

<sup>28</sup> See Oosthuizen, "Rehoboth-Basters", pp. 109-134.

<sup>29</sup> SWAA A206/4 Rehoboth Bastard Gebiet. Administration of territory (vol. 1), Statement Kizing word benoemt uit de burgerryk, Rehoboth, 24 April 1924

<sup>30</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 4), Letter acting Magistrate/ Secretary for South West Africa, 16 May 1924, p. 2.

<sup>31</sup> League of Nations Archive, Geneva (hereafter LNA), 1919-1927, 1/1347/37888, Petition N. van Wyk, *et al*/League of Nations, 27 June 1924.

<sup>32</sup> LNA, 1919-1927, 1/1347/37888, Letter Acting-Director of the Mandates Section/N. van Wyk, *et al*, 18 August 1924; NAW Mem. 4/24, J.D. Viall, *The history of the Rehoboth Basters*, p. 38.

Finally a despondent Old Council capitulated in July 1924 and requested the Administration to manage the Rehoboth *Gebiet* temporarily.<sup>33</sup> Mediation attempts by Prime Minister J.B.M.Hertzog during August and November 1924 had little success.<sup>34</sup> The New Council appealed to the League of Nations after the November 1924 visit of Hertzog.<sup>35</sup> In reaction to this Administrator Hofmeyr by way of a detailed memorandum explained the situation in the Rehoboth *Gebiet* to the League of Nations. He emphasised: "the petitioners are not the constitutionally elected Raad of the Rehoboth Community... they therefore do not possess the *locus standi* to approach the League of Nations in that capacity on behalf of the community."<sup>36</sup> The League of Nations accordingly advised the petitioners "that they should regularise their constitutional position by a proper election and then discuss the Agreement, should they so desire."<sup>37</sup>

The New Council, in spite of further mediation attempts by the Administrator, confronted the Administration on 1 December 1924 with a unilateral declaration of independence.<sup>38</sup> In response to the provocative declaration of independence by the New Council, the Administration placed the Rehoboth *Gebiet* under the white Magistrate's authority. Under Proclamation 31 of 1924, the tasks and powers of the Baster Captain and Council were consigned to Magistrate C.N. Manning.<sup>39</sup>

The New Council, however, once again elected their own management bodies in January 1925 and continued to handle the administration of the Rehoboth *Gebiet* by suing citizens, trying cases, imposing fines, collecting taxes and issuing instructions to their own field-cornets. The rebels ignored repeated warnings by the Administration.<sup>40</sup>

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<sup>33</sup> NAW A219:9, Letter Captain and Council/Magistrate, 11 July 1924.

<sup>34</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 2), Report of interview between Prime Minister and five delegates of Rehoboth, S.W.A. on Saturday, August 2, 1924; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 5), Meeting at Rehoboth, 10 November 1924, with "old" section of the coloured citizens [Meeting with the "New" section], *Allgemeine Zeitung*, 17 November 1924.

<sup>35</sup> LNA, 1919-1927, 1/1347/37888, Petition N. van Wyk, *et al*/Secretariat of the League of Nations, 13 November 1924.

<sup>36</sup> LNA, 1919-1927, 1/1347/37888, Memorandum upon petition dated 13th November 1924 addressed to the League of Nations by certain burghers of the Rehoboth community, 16 January 1925.

<sup>37</sup> NAW Mem. 4/24, Viall, *Rehoboth Basters*, p. 40.

<sup>38</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 5), Letter Parliamentary Council and Volksraad Council/Magistrate, 1 December 1924 (Enclosure 1 to Letter Magistrate/Secretary for South West Africa, 1 December 1924).

<sup>39</sup> *Buitengewone Officiële Koerant van Zuidwest Afrika*, 10 December 1924, pp. 1879-1881; *Allgemeine Zeitung*, 13 December 1924; *The Times*, 4 April 1925.

<sup>40</sup> Oosthuizen, "Rehoboth-Basters", pp. 187-188, 191-192.



In reaction to the Administration's refusal to recognise the elections of January 1925<sup>41</sup>, the New Council sent a petition with copies of correspondence between the Baster community and the Administration directly to the League of Nations. They protested against the actions of the Old Council, the instatement of Magistrate rule, the presence of police reinforcements in the Rehoboth *Gebiet* and the fact that the Magistrate refused to hand over important documents of the Old Council, such as land registers.<sup>42</sup>

Vito Catastini, head of the Mandates Section of the League of Nations, informed the petitioners that they had to submit the petition via the South African Government as mandatory of South-West Africa to the Secretariat of the League of Nations and consequently returned the petition.<sup>43</sup> The New Council, which had already received a copy of the rules of procedure with regard to petitions from the League of Nations,<sup>44</sup> was probably afraid that the South African Government would not dispatch their petition to the League of Nations.

The headstrong attitude of the New Council and its supporters as well as open provocation of the Administration could not, however, continue indefinitely. Consequently the Administration decided to prosecute a few influential leaders of the rebel faction under the Act on Stock-branding.<sup>45</sup> Although the first two so-called test cases took place without significant problems, further prosecution elicited fierce opposition from the malcontents. They bluntly refused to extradite summoned persons.<sup>46</sup> An urgent appeal by the Prime Minister to the rebels to submit them to the authority of the Administration was met defiantly with a renewed rejection of the

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<sup>41</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol 5), Telegram Secretary [for South West Africa]/Magistrate, 17 January 1925.

<sup>42</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 3), Petition N. van Wyk, *et al*/Secretary-general of the League of Nations, 3 January 1925 (Annexure to Letter V. Catastini (Chief of Mandates Section)/Members of the Civil Community of Rehoboth, 6 February 1925); LNA, 1919-1927, 1/1347/37888, Note [Member of Mandates Section]/Catastini, 6 February 1925.

<sup>43</sup> LNA, 1919-1927, 1/1347/37888, Letter Catastini/Members of the Civil Community of Rehoboth, 6 February 1925.

<sup>44</sup> LNA, 1919-1927, 1/1347/37888, Note [Member of Mandates Section]/Catastini, 6 February 1925.

<sup>45</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 6), Telegram Heads/Secretary [for South West Africa], 5 March 1925; Telegram Heads/Secretary [for South West Africa], 9 March 1925, pp. 1-2; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 5), Urgent Notice (Brandmerken van vee), 17 January 1925 (Annexure to Letter Magistrate/Secretary for South West Africa, 18 January 1925); *The Windhoek Advertiser*, 18 February 1925.

<sup>46</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 3), Telegram Magistrate/Secretary [for South West Africa], 26 March 1925; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 6), Letter D. Beukes, *et al*/Magistrate, 26 March 1925.

Agreement.<sup>47</sup> It became evident that the rebels would not surrender easily and that physical violence would eventually erupt.

By mid-February 1925 the New Council explained their grievances to the League of Nations, with an urgent request to protect them from the treatment that the Bondelswarts had experienced.<sup>48</sup> On 1 April the New Council once again appealed to the League of Nations. They alleged that the white Magistrate had used force against them and that a danger of bloodshed consequently existed.<sup>49</sup>

The New Council was informed by Catastini, head of the Permanent Mandates Commission, that the petition could not be considered before September 1925, because the next session of the Commission would only commence in June, and that the Council of the League of Nations first had to approve the resolution of the Permanent Mandates Commission.<sup>50</sup>

Amidst urgent pleas by the New Council to the Governor general of the Union of South Africa and the League of Nations to intervene, and an appeal to their supporters to oppose the Administration at all costs, the latter made final hasty preparations to nip the unrest in the Rehoboth *Gebiet* in the bud.<sup>51</sup> The police and burgher force units of South-West Africa were mobilised and Colonel M.J. de Jager was appointed on 31 March 1925 as commander-in-chief of the Rehoboth campaign.<sup>52</sup> Two days later martial law was proclaimed in the Rehoboth *Gebiet* and surrounding district.<sup>53</sup> At the request of Administrator Hofmeyr three aeroplanes were sent to the Rehoboth *Gebiet*

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<sup>47</sup> NAW A312:20/79, Telegram Heads Magistrate Manning, 30 March 1925, pp. 1-3, 5-6. U.G. 33-1925, Rapport van de Administrateur van Zuidwest Afrika voor het Jaar 1924, p. 13.

<sup>48</sup> LNA, 1919-1927, 1/1347/37888, Summary of the letter addressed to the League of Nations dated 19th February 1925 from members of the Rehoboth Community, [8 March 1925].

<sup>49</sup> LNA, 1919-1927, 1/1347/37888, Telegram Kaptien [sic] en Volks Raad/Nations Geneva, 1 April 1925; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 6), Telegram Secretary [for South West Africa]/Hoofd, 31 March 1925.

<sup>50</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 7), Telegram Administrator/Hoofd, 7 April 1925; LNA, 1919-1927, 1/1347/37888, Letter V. Catastini/Captain of Volksraad, 3 April 1925.

<sup>51</sup> CAD GG 1558:50/1166, Telegram Captain and Volksraad/Governor General, 1 April 1925; Telegram Captain, Volks Raad en Parliement Burger[raad]/General Gouverneur, 4 April 1925; LNA, 1919-1927, 1/1347/37888, Telegram Kaptien [sic] and Volks Raad/Nations Geneva, 1 April 1925.

<sup>52</sup> SWAA A206/3 Bastard Gebiet Rehoboth Matters (vol. 3), Letter Divisional Inspector, South West Africa Police/Secretary for South West Africa, 24 March 1925, p. 1; U.G. 33-1925, Rapport van de Administrateur van Zuidwest Afrika voor het Jaar 1924, p. 12; *Officiële Koerant van Zuidwest Afrika*, 1 April 1925, p. 2020; *The Windhoek Advertiser*, 1 April 1925; *Allgemeine Zeitung*, 1 April 1925.

<sup>53</sup> *Buitengewone Officiële Koerant van Zuidwest Afrika*, 3 April 1925, pp. 2027-2028; *Allgemeine Zeitung*, 6 April 1925.

by the South African Government.<sup>54</sup> With the 1915 Baster revolt and the Bondelswart debacle of 1922 still fresh in memory, the Administration forced the bewildered and hopelessly unprepared rebels to surrender unconditionally without loss of life on 5 April 1925 with tremendous display of power and virtual blitzkrieg tactics.<sup>55</sup>

### 5. The aftermath of the revolt and the De Villiers Report

As a result of the virtually solid opposition of the Baster community, the Administrator requested the South African Government within days of the suppression of the Baster uprising immediately to cancel the 1923 Agreement. Although he did not want to deprive the Basters of any rights, he was convinced that the exercising of self-governance by the Basters would not be practically possible for a significant period of time. He consequently recommended that an advisory council, consisting of representatives from the different interest groups of the Baster community, should assist the Magistrate in the management of the Rehoboth *Gebiet*.<sup>56</sup>

The Prime Minister, General Hertzog, did not, however, intend to cancel the Agreement, since he had already announced in Parliament that a judicial commission would intervene in the Rehoboth affair as soon as possible.<sup>57</sup> In fact, because the problems in the Rehoboth *Gebiet* largely arose from the Agreement, it was an important motivation for the Prime Minister not to want to comply with the Administrator's request.<sup>58</sup>

The delay of the report of the De Villiers Commission, appointed to investigate the Baster affair, caused tremendous frustration among the Basters. The report of this commission, which had already commenced its activities in June 1925, was only dealt

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<sup>54</sup> U.G. 33-1925, *Rapport van de Administrateur van Zuidwest Afrika voor het Jaar 1924*, p. 13; SANW, *Verkorte jaarverslag van die Departement van Verdediging diensjaar tot 30 Junie 1925*; *Allgemeine Zeitung*, 4 April 1925; *Rand Daily Mail*, 3 April 1925; *The New York Times*, 4 April 1925.

<sup>55</sup> The Bondelswart Namas, living in the far south of South West Africa, revolted among other things because of the levy of an exceptional high tax on dogs. The bloody and merciless suppression of the revolt in May 1922 elicited severe criticism against the South African Government, particularly from the League of Nations. See I. Goldblatt, *History of South West Africa from the beginning of the nineteenth century* (Cape Town, 1971), pp. 215-217; T.R.H. Davenport, *South Africa: A modern history* (3rd ed., Bergvlei, 1988), pp. 278-279. Also see Oosthuizen, "Rehoboth-Basters", p. 58 and further, as well as pp. 204-213.

<sup>56</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 7), Telegram Heads (Windhoek)/Heads (Cape Town), 8 April 1925, pp. 1-3; Letter Secretary for South West Africa/Magistrate, 7 April 1925.

<sup>57</sup> Union of South Africa, *Debatte van die Volksraad: Tweede sitting - Vyfde Parlement, deel 3, 13 Februarie tot 17 April 1925* (National Press Limited, Cape Town, n.d.), col. 2133.

<sup>58</sup> NAW A312:20/79, Telegram Heads (Cape Town)/Administrator, 8.04.1925.

with in the South African Parliament two years later.<sup>59</sup> The Majority Party (supporters of the former New Council), who expected much from the report, were confident that their management rights would be restored fully. They were of the opinion that the white Magistrate did not have the right to handle the management of the Rehoboth *Gebiet* on behalf of the Baster community during the interim period.<sup>60</sup> Repeated objections by the Majority Party in this regard, directed to the Magistrate, Administrator, Governor-general and Prime Minister, were evaded repeatedly with the excuse that the De Villiers Report had to be waited for.<sup>61</sup>

In desperation the Majority Party ultimately appealed to the League of Nations in November 1926.<sup>62</sup> Although hesitating to send this petition via the South African Government to the League of Nations because there had still been no reaction to previous requests, they did in fact follow the correct channels this time.<sup>63</sup> The Majority Party pointed out several unsuccessful attempts to conduct an interview with Administrator Werth regarding their rights and that the De Villiers Report had been promised to them more than a year before.<sup>64</sup>

In this petition they also complained about the treatment they had experienced with the suppression of the 1925 revolt. They mentioned the destruction of household effects and the high fines as well as imprisonment that were imposed. They were also dissatisfied because the Magistrate had allowed some of their land to be sold to whites. They alleged that unscrupulous merchants who had been permitted by the Magistrate to enter the Rehoboth *Gebiet* had exploited them. Whites were also permitted to hunt in the Rehoboth *Gebiet*. These whites were responsible for the irresponsible extermination of game, while the firearms of members of the Majority Party had been

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<sup>59</sup> U.G. 41-1926, *Rapport van die Rehoboth Kommissie*, pp. 3-4.: NAW Mem 4/24, Viall, *Rehoboth Basters*, p. 44

<sup>60</sup> Oosthuizen, "Rehoboth-Basters", pp. 227 and further.

<sup>61</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 8), Letter N. van Wyk, *et al*/Magistrate, 23 September 1925 (Annexure 111 to Letter Magistrate/Secretary for South West Africa, 24 September 1925); Letter N. van Wyk, *et al*/Magistrate, 28 September 1925; Interview with the Administrator by the Rehoboth Basters, 21 December 1925, pp. 3-4; GG 1559:50/1192, Telegram N. van Wyk/Governor General, 24 September 1925; GG 1559:50/1195, Telegram J. Beukes/Governor General, 26 October 1925. U.G. 26-1926, *Rapport van die Regering van die Unie van Suid-Afrika omtrent Suidwes-Afrika vir die Jaar 1925*, p. 5; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 8), Letter Assistant Secretary of the Prime Minister/Secretary for South West Africa, 29 September 1925.

<sup>62</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Petition N. van Wyk, *et al*/League of Nations, 26.11.1926.

<sup>63</sup> The Majority Party had already dispatched a petition dated 11 November 1926, directly to the League of Nations. This was, however, sent back with the admonishment that all correspondence to the League of Nations should be sent via the Mandatory. See LNA, 1919-1927, 1/1347/37888, Letter H. Gilchrist/V. [sic] van Wyk, 23 December 1926.

<sup>64</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Petition N. van Wyk, *et al*/League of Nations, 26 November 1926, p. 1.

confiscated by the Administration. They were also being prosecuted for the breaking of laws, to which they are forced to submit. In the spirit of Woodrow Wilson's "Fourteen Points" they asked specific questions to the League of Nations: "Are we, a small people, which was forced into the Great War, standing alone to defend its privileges and right to progress, are we to perish as result of this Agreement?"<sup>65</sup> Have we not heard that the Great War was also fought for the freedom of the smallest nations?"<sup>66</sup>

The South African Government on 21 December 1926 sent this petition, together with the comments of the Administrator of South-West Africa, to the League of Nations. In an accompanying letter the Prime Minister assured the Secretary-General that the De Villiers Report would be laid on the table. This would be at the next session of Parliament, which would commence on 28 January 1927, whereafter copies would be sent to the League.<sup>67</sup>

Quite by chance on 23 December 1926, two days after the dispatching of the petition, H. Gilchrist made inquiries at the South African High Commission in London about when the promised report would reach them.<sup>68</sup> His motivation for this was that by 14 August 1926 indications had already been given that it would shortly be appearing.<sup>69</sup> The enquiry was probably also motivated by the statement of the South African Prime Minister, General Hertzog, during the Imperial Conference in London in October 1926 with regard to this specific case: "A report is either just out, or will be out very shortly..."<sup>70</sup>

After receiving the petition, Sir Frederick Lugard, a British member of the Permanent Mandates Commission, was requested to act as *rappporteur* of this document and to report back at the next session of the Commission.<sup>71</sup> In his report of 29 April 1927

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<sup>65</sup> Oosthuizen, "Rehoboth-Basters", pp. 99, 101, as well as pp. 205-209.

<sup>66</sup> The agreement of 17 August 1923 that was rejected by the majority of the burghers. See Oosthuizen, "Rehoboth-Basters", p.131. SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Petition N. van Wyk, *et al*/League of Nations, 26 November 1926; LNA, 1919-1927, 1/1347/37888, Permanent Mandates Commission. Petition dated November 26th, 1926, from the Rehoboth Community and memorandum on points raised therein, by the South West Africa Administration (C.P.M. 546), 19 January 1927, pp. 2-4.

<sup>67</sup> LNA, 1919-1927, 1/1347/37888, Letter Secretary to the Prime Minister/Secretary-General, 21 December 1926 in Permanent Mandates Commission. Petition dated November 26th, 1926, from the Rehoboth Community and memorandum on points raised therein, by the South West Africa Administration (C.P.M. 546), 19 January 1927, p. 1.

<sup>68</sup> LNA, 1919-1927, 1/1347/37888, Letter H. Gilchrist/High Commissioner for South Africa, 23 December 1926.

<sup>69</sup> LNA, 1919-1927, 1/1347/37888, Letter Secretary [to the High Commissioner]/Secretary General, 14 August 1926.

<sup>70</sup> *The Times*, 23 October 1926.

<sup>71</sup> LNA, 1919-1927, 1/1347/37888, Letter A. Theodoli/F. Lugard, 24 February 1927.

Lugard criticised the South African Government about their slack attitude: on the one hand the De Villiers Report had not yet been received, despite several promises, and on the other hand the South African Government did not offer an opinion regarding the petition and the memorandum of the Administrator.<sup>72</sup>

The Lugard Report was discussed at length during the eleventh session (20 June to 6 July 1927) of the Permanent Mandates Commission.<sup>73</sup> Based on that, the Council was requested:

...to urge the mandatory Power to forward Mr. Justice de Villiers' report without further delay, together with its own opinion on the report and the petition. Until these documents are received, it is obvious that the Commission can take no further action ... to inform the petitioners, in reply to their request, that, in accordance with a decision of the Council, in no circumstances can a personal audience be granted by the Permanent Mandates Commission.<sup>74</sup>

The Council of the League of Nations approved this recommendation of the Permanent Mandates Commission in September 1927 and Vito Catastini informed the Majority Party accordingly.<sup>75</sup>

Whilst harsh words were exchanged concerning the report, Judge De Villiers completed his long-awaited report. The South African Parliament was, however, in recess at that time and the report was only submitted in June 1927.<sup>76</sup> Judge De Villiers's findings were hardly promising for the Basters. He found that they had lost their sovereignty by signing the 1885 Agreement. He stated that they had relinquished no rights as a result of the action of the South African Government, that it fell within the jurisdiction of the South African Government to issue Proclamation 28 of 1923 and that loss of land under South African rule was limited to a few plots in Rehoboth town. With the donation of farms as compensation for the signing of the 1923 Agreement, the Rehoboth *Gebiet* was in fact expanded. Judge De Villiers finally recommended that the Basters should be prohibited from disposing of land in favour of whites in particular.<sup>77</sup>

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<sup>72</sup> LNA, 1919-1927, 1/1347/37888, Permanent Mandates Commission. Petition from the Rehoboth Community. Report by Sir Frederick Lugard (C.P.M. 559), 7 May 1927, pp. 1-3.

<sup>73</sup> *The Windhoek Advertiser*, 16 November 1927; 19 November 1927.

<sup>74</sup> SWAA A394/7 League of Nations. Permanent Mandates Commission Reports (vol. 2), Report on the work of the eleventh session of the Commission (Geneva, June 20th to July 6th, 1927), 6 July 1927, pp. 19-20.

<sup>75</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Letter V. Catastini/Burgerryk, Rehoboth Community, 19 September 1927.

<sup>76</sup> Union of South Africa, *Debatte van die Volksraad. Vierde sitting- Vyfde Parlement, deel 9, 25 April tot 29 Junie 1927* (Cape Town, 1927), col. 5174; *The Windhoek Advertiser*, 22 June 1927; *Die Suidwes Afrikaner*, 24 June 1927).

<sup>77</sup> SWAA 2/18/3 Unregistered Correspondence and Papers, Rehoboth Affairs. Commission of Enquiry, 1925, Report of the Rehoboth Commission, Terms of reference and summary of findings, n.d.; *Die Suidwes Afrikaner*, 15 July 1927; *The Windhoek Advertiser*, 17 March 1928.

Shortly after the conclusion of the eleventh session of the Permanent Mandates Commission, in July 1927, the League of Nations finally received the report.<sup>78</sup> Towards the end of June the De Villiers Report had, however, not yet reached the Rehoboth Basters. Only after further appeals, was the report finally submitted to the Basters in mid-July 1927, more than two years after the launch of the De Villiers investigation.<sup>79</sup>

At that stage the South African Government had, however, not yet made a final decision on the future constitutional status of the Rehoboth *Gebiet*. The Basters, whose patience had already been tried to the utmost, would therefore still have to wait a while before finality would be reached concerning their constitutional status.<sup>80</sup>

The white Advisory Council of South-West Africa recommended the institution for the *Gebiet* of an Advisory Council consisting of three elected and three nominated members.<sup>81</sup> The South African Government laid down the following guidelines concerning the management of the Rehoboth *Gebiet* after studying this recommendation. Since the time was not right to restore self-governance which the Basters enjoyed before the issuing of Proclamation 31 of 1924, the authority of the Baster Council would rest with the white Magistrate. Proclamation 31 of 1924 would remain in force, apart from two important amendments. Firstly, in keeping with the white council's recommendation, an Advisory Council, consisting of three nominated and three elected Basters, would assist the Magistrate in the exercising of local management. The other important exception was that in court cases between Basters the Magistrate would be assisted by two impartial assessors appointed by the Magistrate from a panel of twelve persons who would be nominated annually by the Magistrate upon recommendation by the Advisory Council.<sup>82</sup>

Proclamation 9 of 1928 was promulgated to give legal substance to these guidelines and took effect on 1 April 1928.<sup>83</sup> Administrator Werth, accompanied by the Secretary

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<sup>78</sup> SWAA A394/7 League of Nations. Permanent Mandates Commission Reports (vol. 2), Report on the work of the eleventh session of the Commission (Geneva, June 20th to July 6th, 1927), 6 July 1927, p. 20; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Letter Magistrate/Secretary for South West Africa, 18 October 1927.

<sup>79</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Letter Acting Magistrate/Secretary for South West Africa, 25 June 1927, p. 1 and 5 July 1927, as well as Letter Secretary for South West Africa/Magistrate, 14 July 1927.

<sup>80</sup> Oosthuizen, "Rehoboth-Basters", p. 247.

<sup>81</sup> SWAA 2/1/2 Unregistered Correspondence and Papers. Advisory Council. Minutes of meetings, resolutions, 1925-1928, South West Africa. Advisory Council. Meeting, Tuesday, 6th September, 1927, p. 9.

<sup>82</sup> U.G. 31-1928, *Rapport van die Regering van die Unie van Suid-Afrika omtrent Suidwes-Afrika vir die Jaar 1927*, pp. 4-5.

<sup>83</sup> U.G. 22-1929, *Rapport aangebied deur die Regering van die Unie van Suid-Afrika aan die Raad van die Volkebond omtrent die Administrasie van Suidwes-Afrika vir die Jaar 1928*, pp. 84-85.

for South-West Africa and the head of police, eventually visited Rehoboth on 25 February 1928, more than two and a half years after Judge De Villiers had launched his investigation.<sup>84</sup> The Administrator briefly discussed De Villiers's findings at a public meeting and subsequently discussed the new constitutional dispensation. He cautioned the Basters to utilise the new rights fully and to demonstrate to the Administration that they could manage themselves. He warned them that, should they again display the attitude of the previous years, new rights would not be granted. As a matter of fact, they could even lose their existing rights.<sup>85</sup>

The Administrator noted in his annual report for 1927 that the announcement was received in silence.<sup>86</sup> Until then the South African Government had made no attempt to explain why it had taken so long to announce the findings of the De Villiers Commission, nor why so much time had elapsed since the announcement of these findings and the implementation of the new constitutional dispensation in the Rehoboth Gebiet.<sup>87</sup>

## 6. The League of Nations and the land claims of the Basters

D.W. Drew, former agent and counsellor of the Old Council, directly after studying the De Villiers Report, started negotiating with the League of Nations about the land claims of the Basters. He expressed the wish that the Permanent Mandates Commission would first consider further submissions before a final answer was sent to the Majority Party.<sup>88</sup>

In reply to a letter of the Permanent Mandates Commission Drew conceded that he could not claim to act as a proxy representative of the Rehoboth community, or even a part of it.<sup>89</sup> Nevertheless, he addressed two letters to the League of Nations in which the land claims of the Basters were defended.<sup>90</sup> These letters were, however, returned

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<sup>84</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Notice [Magistrate], 14 February 1928; *The Windhoek Advertiser*, 29 February 1928.

<sup>85</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), [Speech by Administrator Werth, Rehoboth, 25 February 1928]; *The Cape Argus*, 28 February 1928.

<sup>86</sup> U.G. 31-1928, *Rapport omtrent Suidwes-Afrika vir die Jaar 1927*, p. 5.

<sup>87</sup> *The Windhoek Advertiser*, 29 February 1928.

<sup>88</sup> LNA, 1919-1927, 1/1347/63850, Letter D.W. Drew/Secretary, Mandates Committee, 30 November 1927.

<sup>89</sup> LNA, 1919-1927, 1/1347/63850, Letter [Chief of Section charged with the direction of the Mandates Section]/D.W. Drew, 22 December 1927. LNA, 1928-1932, 6A/443/1194, Letter D.W. Drew/H. Gilchrist, 26 January 1928, p. 1; Letter H. Gilchrist/D.W. Drew, 25 February 1928.

<sup>90</sup> LNA, 1919-1927, 1/1347/63850, Letter D.W. Drew/Secretary, Mandates Committee, 14 December 1927; LNA, 1928-1932, 6A/443/1194, Letter D.W. Drew/Secretary, Mandates Committee, 5 January 1928.



to him, because he had ignored the South African Government and corresponded directly with the Permanent Mandates Commission.<sup>91</sup>

In the end Drew addressed a comprehensive petition, dated 9 August 1928, via the South African Government, to the Permanent Mandates Commission. He comprehensively presented the Baster land claims, dating mainly from the German period, to the Permanent Mandates Commission.<sup>92</sup>

In reaction to the petition, General J.B.M. Hertzog, as the South African Minister of External Affairs, assured the Secretary-general of the League of Nations that Drew had no *locus standi*, because he was not a resident of the Rehoboth *Gebiet* of South-West Africa, and that the Bastards did not regard him as their representative. Hertzog motivated his Government's attitude and involvement as follows:

...the Administration merely dealt with the Territory as it found it, and the matters now called in question are of ancient history. The boundary of the Gebiet was fixed by a Government Commission appointed by the German Government on which the Bastards were adequately represented, and it is not considered either necessary or desirable to re-open its findings now.<sup>93</sup>

At the recommendation of Lord Lugard the Permanent Mandates Commission decided that "the grievances of the Rehoboths have been fully investigated and have now lost their relevance - and that, in these circumstances, it does not think it necessary to re-open the question or to take any action on Mr. Drew's letter."<sup>94</sup>

## 7. Confrontation between the South African government and the League of Nations

In the mean time, the League of Nations was becoming restless about the fact that the South African Government had not made public its viewpoints with regard to the petition of November 1926 and the De Villiers Report. The South African Government was subsequently requested on 19 September 1927 to react to the petition and to the report as soon as possible. To expedite matters, Vito Catastini approached the South African

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<sup>91</sup> LNA, 1919-1927, 1/1347/63850, Letter [Chief of Section charged with the Direction of the Mandates Section]/D.W. Drew, 5 January 1928; LNA, 1928-1932, 6A/443/1194, Letter [Chief of Section charged with the Direction of the Mandates Section]/D.W. Drew, 6 February 1928.

<sup>92</sup> LNA, 1928-1932, 6A/443/1194, League of Nations. Permanent Mandates Commission. South-West Africa. Petition, dated August 9th, 1928, from Mr D.W. Drew, relating to [the] Rehoboth [Bastards], 28 September 1928 (C.P.M. 778).

<sup>93</sup> LNA, 1928-1932, 6A/443/1194, Letter Minister of External Affairs/Secretary-General, 23 January 1929, pp. 2-3; *The Windhoek Advertiser*, 17 July 1929.

<sup>94</sup> LNA, 1928-1932, 6A/443/1194, League of Nations. Permanent Mandates Commission. South-West Africa. Petition, dated August 9th 1928, from Mr D.W. Drew. Report by Lord Lugard, 1 June 1929 (C.P.M. 854). LNA, 1928-1932, 6A/443/1194, SWAA A394/7 League of Nations. Permanent Mandate Commission Reports (vol. 2), Letter V. Catastini/D. Drew, 28 September 1929.

High Commissioner in London, J.S. Smit, in this regard, because the next session of the Permanent Mandates Commission would commence on 24 October 1927.<sup>95</sup>

Smit explained to Catastini that it was impossible for the South African Government to provide the desired information in time. He proposed that the discussion of the petition and the report should be held over for the next session of the Permanent Mandates Commission in July 1928. This would provide the South African Government with sufficient time to discuss the matter in depth with the Administrator and Judge De Villiers. The latter was at that stage in Europe.<sup>96</sup>

Despite this request, the Permanent Mandates Commission proceeded to discuss the Baster question. In a memorandum of 17 October 1927 Lugard discussed in detail the problems with regard to the petition and report. He pointed out that the South African Government had also sent the report on the Bondelswart uprising to the League of Nations. The South African Government had then also been requested to supply to the League of Nations their viewpoint and the steps that would be taken. He consequently proposed that the South African Government should once again be requested to send its decisions regarding the matter to the Permanent Mandates Commission and that it should be inquired whether the petitioners wished to submit any further matters.<sup>97</sup>

The Permanent Mandates Commission appointed a subcommittee at the end of October 1927 to study the De Villiers Report and the 1926 petition.<sup>98</sup> The following recommendation of the subcommittee was accepted by the Permanent Mandates Commission:

The Commission regrets exceedingly the long delays which have occurred in the treatment of this question by the mandatory Power..., and in particular that it is not yet in possession of the views of the mandatory Power on the petition and on Mr. Justice de Villiers' report. As, however, those views are essential to a final consideration of the petition, the Commission has come to the conclusion that it can take no useful action except to repeat the request which was made to the Council in the report on its eleventh session, and to suggest that the mandatory Power should be urged to give this matter its immediate attention.<sup>99</sup>

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<sup>95</sup> LNA, 1919-1927, 1/1347/62056, Letter V. Catastini/J.S. Smit, 28 September 1927.

<sup>96</sup> LNA, 1919-1927, 1/1347/62056, Letter J.S. Smit/V. Catastini, 3 October 1927; *The Windhoek Advertiser*, 21 April 1927.

<sup>97</sup> LNA, 1919-1927, 1/1347/62056, The Rehoboths. Minutes by Sir F. Lugard, 17 October 1927.

<sup>98</sup> *The Times*, 29 October 1927.

<sup>99</sup> LNA, 1919-1927, 1/1347/62056, League of Nations. Permanent Mandates Commission. South-West Africa. Petition dated November 26th, 1926, from certain burghers of the Rehoboth Community. Report by the sub-committee, 4 November 1927, p. 2 (C.P.M. 666); SWAA A394/7 League of Nations. Permanent Mandates Commission Reports (vol. 2), Report on the work of the twelfth session of the Commission (Geneva, October 24th to November 11th, 1927), p. 9; *The Cape Times*, 6 March 1928.

The League of Nations was clearly dissatisfied and embarrassed because the Baster petition that had been sent to them nearly a year before could not be finalised. Confrontation between the League of Nations and the South African Government was therefore unavoidable.

In a new petition to the League of Nations in January 1928 Jacobus Beukes of the Majority Party once again protested against their constitutional position. He pointed out that they had not even received an answer to their petitions.<sup>100</sup> This petition was once again transmitted directly to the League of Nations without the knowledge of the South African Government. Consequently, it was sent back to the Majority Party with the request that the correct channels should be followed. The Majority Party was simultaneously notified of the decision by the Permanent Mandates Commission that was taken during the twelfth session with regard to the 1926 petition.<sup>101</sup>

At last, on 17 February 1928 the South African Secretary of External Affairs, H.D.J. Bodenstein, at last on 17 February 1928 informed E. Drummond, Secretary-general of the League of Nations, that "the Union Government have decided to generally accept the Report of the Honourable Mr. Justice de Villiers and to concur in his recommendations." Bodenstein also informed the Secretary-general about the future constitutional policy with regard to the Rehoboth *Gebiet*, but failed to forward the South African viewpoint regarding the petition of 26 November 1926.<sup>102</sup>

Drummond consequently approached the South African High Commissioner in London, J.S. Smit, in this regard. He pointed out that the South African Government did not specifically refer to the 1926 petition in its letter of 17 February. All the grievances of the petition were not covered in the De Villiers Report and therefore he asked whether the South African Government contemplated to commenting further on the petition or whether the government endorsed the memorandum of the Administrator.<sup>103</sup>

High Commissioner Smit informed the South African Prime Minister by telegraph on 15 March 1928 accordingly, whereupon General Hertzog who was clearly irritated, answered:

...[the] Union Government considered [that the] matter did not call for any comments or for explicit adoption of [the] observations of [the] Administration. [The] Union Government took it for granted that such adoption would be inferred from [the] fact that observations were

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<sup>100</sup> LNA, 1928-1932, 6A/443/2180, Petition J. Beukes/Secretariat of the League of Nations, 29 January 1928.

<sup>101</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/Messrs N. van Wyk, J. Beukes and others, 13 March 1928.

<sup>102</sup> SWAA A206/13 Rehoboth Baster Gebiet. De Villiers Commission/GG 1566:50/1288, Letter Secretary for External Affairs/Secretary-General, 17 February 1928; LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. Rehoboth Petitions. Report by Lord Lugard, 15 October 1928, p. 2 (C.P.M. 781).

<sup>103</sup> LNA, 1928-1932, 6A/443/2180, Letter E. Drummond/J.S. Smit, 13 March 1928.

communicated to [the] League by [the] Union Government and that the Administration is known to be its organ in [the] territory.<sup>104</sup>

The South African Government was upset about the manner in which the Permanent Mandates Commission, particularly Lugard, offered criticism about the handling of the petition of 26 November 1926. The South African Government was so grieved that it considered not sending a representative regularly to Geneva in future for the discussion of the annual report on South-West Africa. The Minister of External Affairs instructed the High Commissioner in London to request the Secretary-general not to have the annual report of 1927 discussed during the June session of the Permanent Mandates Commission, but to postpone it to the October session. This would give the Administrator of South-West Africa the opportunity to attend the session and to react to the criticism of the Permanent Mandates Commission on behalf of the South African Government.<sup>105</sup> The High Commissioner on 12 April 1928 informed the League of Nations of the request.<sup>106</sup>

A sharply worded letter in which the South African Government protested against the criticism of especially Lord Lugard, was not sent to the Secretary-general, at the request of the Administrator of South-West Africa.<sup>107</sup> This letter was, according to Werth, unnecessarily cutting and would cause friction between the South African Government and the League of Nations. Conflict had to be avoided as far as possible, because it would very much hamper his task in Geneva. The South African Government should avoid "blaming of bad faith or distortion of the truth". He proposed that the facts should be merely touched on, in order that the Permanent Mandates Commission could come to a logical conclusion by itself.<sup>108</sup>

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<sup>104</sup> GG 1566:50/1288, Telegram High Commissioner/Prime Minister, 15 March 1928. GG 1566:50/1288, Telegram Prime Minister/Secretary General, 19 March 1928; Telegram Prime Minister/High Commissioner, London, 19 March 1928; LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South-West Africa. Petition of November 26th, 1926, from certain burghers of the Rehoboth Community. Telegram from the Prime Minister of the Union of South Africa, dated March 19th, 1928, 30 March 1928 (C.P.M. 705).

<sup>105</sup> GG 1566:50/1288, Letter Secretary for External Affairs/High Commissioner, 23 March 1928.

<sup>106</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. Rehoboths Petition of November 26th, 1926. Report by Lord Lugard, 2 November 1928, p. 1 [C.P.M. 781. (1)].

<sup>107</sup> SWAA 1/1/4:CC43 Confidential Correspondence, letter Administrator/Prime Minister, 20 April 1928; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Letter Secretary of the Prime Minister/Secretary for South-West Africa, 5 May 1928.

<sup>108</sup> SWAA 1/1/4:CC43 Confidential Correspondence, letter Administrator/Prime Minister, 20 April 1928

A new draft letter to the Secretary-general of the League of Nations was accordingly submitted to High Commissioner Smit in London.<sup>109</sup> Smit, however, proposed that the matter should not be broached in full in a letter. He motivated his viewpoint as follows:

...[the] draft ...will disclose our whole case prematurely and leave time before October for ventilating and broadcasting further points of grievance leaving our rejoinder probably pointless on account of enforced delay in replying and lack [of] further facts. I would rather that [the] Administrator should open discussion and tackle [the] commission's further observations if any there and then, leaving last words [to] Union Government if necessary.<sup>110</sup>

The Minister of External Affairs approved this proposal, and early in June 1928 Smit informed the Secretary-general by letter that his Government had serious objections against the criticism by the Permanent Mandates Commission.<sup>111</sup> Administrator Werth would accordingly transmit a full explanation on the viewpoint of the South African Government during the October session of the Permanent Mandates Commission.<sup>112</sup>

In a substantial statement on 31 October 1928 Werth explained this viewpoint to Commission.<sup>113</sup> He sketched the circumstances that gave rise to the petition. He emphatically denied that the Government had in any way been slack in its handling of the Baster grievances or that the Basters, in the meantime, had been treated as if they were in the wrong before the publishing of the De Villiers Report and the decision of the Government about the future constitutional position of the Rehoboth *Gebiet*, had been treated as if they were in the wrong. The Administrator further tried to indicate that the South African Government had not in any way neglected to fulfil its obligations as mandatory towards either the residents of South-West Africa or the League of Nations, in particular the Permanent Mandates Commission. The Administrator concluded his report with this piece of harsh criticism:

Finally my Government cannot help thinking that if, before publicly commenting adversely on the conduct of a Mandatory Power in a particular case, the Mandatory in question be approached for an explanation, the change of such comments being made without taking

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<sup>109</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 9), Letter Secretary of the Prime Minister/Secretary for South-West Africa, 5 May 1928.

<sup>110</sup> SWAA 1/1/4:CC 43 Confidential Correspondence, Telegram High Commissioner/Secretary for External Affairs, 4 June 1928.

<sup>111</sup> SWAA 1/1/4:CC43 Confidential Correspondence, Telegram Minister of External Affairs/High Commissioner, 6 June 1928.

<sup>112</sup> LNA, 1928-1932, 6A/443/2180, Letter High Commissioner/Secretary-General, 8 June 1928.

<sup>113</sup> LNA, 1928-1932, 6A/443/2180, Statement to be delivered at the October 1928 meeting of the Permanent Mandates Commission on the subject of the treatment of the Rehoboth petition, n.d.; *The Friend*, 1 November 1928; *The Star*, 1 November 1928; *Die Suidwes Afrikaner*, 16 November 1928.

into consideration all relevant facts will be minimised, if not completely eliminated.<sup>114</sup>

The explanation of Administrator Werth had the desired effect, because the November 1928 report of Lord Lugard on the petition of 26 November 1926 to the Permanent Mandates Commission was concise and conspicuously lacked the sharp criticism that had marked his previous reports.<sup>115</sup> Based on the Lugard report the Permanent Mandates Commission recommended to the Council of the League of Nations "that the petitioners should be informed that the Permanent Mandates Commission understands that their grievances have been fully investigated, and considers that they have now lost their relevance."<sup>116</sup>

This recommendation of the Permanent Mandates Commission was accepted by the Council of the League of Nations, and Vito Catastini informed Nicolaas van Wyk of the Majority Party accordingly on 25 March 1929.<sup>117</sup>

This ruling of the League of Nations, the findings of Judge De Villiers and the consequent ruling of the South African Government on the future constitutional dispensation in the Rehoboth *Gebiet*, however, had contributed very little to defuse the tense situation. In fact, the Majority Party were thereby estranged even more from the Minority Party and the South African Government. The world-wide economic depression and accompanying drought of the thirties forced the Majority Party to rethink its freedom struggle and led to a total turn-about in their relationship with the South African Government.

## **8. The Basters under Advisory Council Management: Renewed insistence on self-governance, 1929-1939**

The ruling by the League of Nations, the findings of Judge De Villiers and the subsequent ruling by the South African Government on the constitutional dispensation of the Rehoboth Basters contributed little to the defusing of the strained situation. The Majority Party were further estranged from the Minority Party (supporters of the former Old Council) and the South African Government, and they boycotted the Advisory Council system by refusing to participate in the elections or to serve in the Council as

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<sup>114</sup> NAW A312:18/68, Statement to be delivered at the October 1928 meeting of the Permanent Mandates Commission on the subject of the treatment of the Rehoboth petition, n.d.; *The Windhoek Advertiser*, 11 May 1929; 15 May 1929.

<sup>115</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. Rehoboths Petition of November 26th, 1926. Report by Lord Lugard, 2 November 1928 [C.P.M. 781 (1)].

<sup>116</sup> SWAA A394/7 League of Nations. Permanent Mandates Commission Reports (vol. 2), Fourteenth session of the Commission (Geneva, October 26th to November 13th, 1928), 13 November 1928, p. 10 [C.579.1928.VI].

<sup>117</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/N. de [sic] Wyk, 25 March 1929.

nominated members.<sup>118</sup> In contrast the Minority Party endured the election and nomination of members and dominated the Council entirely as a result of the boycott action by the Majority Party.<sup>119</sup> However, the Minority Party were also not entirely satisfied with the new constitutional dispensation and they objected to the limited jurisdiction of the Council.<sup>120</sup> Elections for members of the Baster Advisory Council were consequently marked by low voting percentages.<sup>121</sup> The boycott action of the malcontents was in fact so successful that the Administration had to provisionally postpone the constituting of the first Baster Advisory Council.<sup>122</sup>

In spite of the ruling by the League of Nations that the grievances of the Basters had been investigated fully, the Majority Party continued to send petition after petition to the League of Nations.<sup>123</sup> For instance on 3 April, 11 April and 5 May 1929 Nicolaas van Wyk sent telegrams regarding the constitutional position of the Rehoboth *Gebiet* directly to the League of Nations.<sup>124</sup> Both F. Friis and V. Catastini of the Permanent Mandates Commission drew Van Wyk's attention anew to the March 1929 decision, namely "that their grievances have been fully investigated, and [the Permanent Mandates Commission] considers that they have lost their relevance".<sup>125</sup>

Despite this reaction, in Mid-June 1929, one of the spokespersons of the Majority Party, Daniel Beukes requested the Governor-general by telegram to permit them to send a

<sup>118</sup> SWAA 2/1/2 Unregistered Correspondence and Papers. Advisory Council. Minutes of meetings, 1928-1929, Advisory Council Meeting, Thursday, 12th April, 1928, p. 3. SWAA 1/1/4: CC43 Confidential Correspondence, Letter Magistrate/Secretary for South West Africa, 16 February 1928.

<sup>119</sup> Oosthuizen, "Rehoboth-Basters", pp. 267 and further.

<sup>120</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol.10), Letter Albert Mouton/Magistrate, 7 June 1929; Memorandum [Minority Party]/Administrator, 5 July 1929, p.1; memorandum A. Mouton, *et al*, Administrator, 18 October 1929.

<sup>121</sup> See SWAA A206/48. Rehoboth Bastard Gebiet. Advisory Council, elections (vol. 1), Letter Magistrate/Secretary for South West Africa, 30 May 1928; Letter acting Secretary for South West Africa/Secretary to Prime Minister, 18 October 1928, p. 1; Meeting held in the Magistrate's offices at Rehoboth at 10 a.m. on 21 November, 1931 (Addendum to Letter Magistrate/Secretary for South West Africa, 26 November 1931); *The Windhoek Advertiser*, 6 July 1929.

<sup>122</sup> SWAA A206/48 Rehoboth Bastard Gebiet. Advisory Council, elections (vol. 1), Letter Secretary for South West Africa/Magistrate, 25 July 1928.

<sup>123</sup> NAW Mem. 4/24, Viall, *Rehoboth Basters*, p. 49; LNA, 1928-1932, 6A/443/2180, Note F. Friis/V. Catastini, 6 December 1929.

<sup>124</sup> LNA, 1928-1932, 6A/443/2180, Telegram N. van Wyk/*Nations Geneva*, 3 April 1929 and 11 April 1929; LNA, 1928-1932, 6A/443/2180, Radiogram N. van Wyk/League of Nations, 8 May 1929.

<sup>125</sup> LNA, 1928-1932, 6A/443/2180, Letter F. Friis/N. de [sic] Wyk, 4.04.1929. LNA, 1928-1932, 6A/443/2180, Telegram Catastini/N. van Wyk, 11 April 1929.

deputation to Geneva.<sup>126</sup> Beukes and co-workers distrusted the South African Government and therefore decided to appeal to the representative of the British government personally.

When the Governor-general still did not react after a second telegram to this request, early in July 1929 Beukes appealed directly to the League of Nations.<sup>127</sup> Although Beukes was informed on 3 July 1929 that the Permanent Mandates Commission was not in a position to hear deputations, he repeated his request in a successive telegram.<sup>128</sup> Catastini of the Permanent Mandates Commission thereafter informed Beukes that he had nothing to add to the telegram of 3 July 1929.<sup>129</sup>

Jacobus Beukes, who as usual had contributed his share in stating the cause of the Majority Party at the League of Nations, in May 1929 by letter communicated personally with the League.<sup>130</sup> Beukes was, however, admonished as follows: "In accordance with the rules of procedure concerning petitions from inhabitants of mandated territories, with which you are already familiar, I am obliged to return your communication herewith, in order that you may, if you see fit, re-submit it through the Mandatory Power".<sup>131</sup> Beukes complied with this request, and at the end of March 1929 a somewhat revised petition, dated 11 February 1930, was transmitted via the South African Government to the League of Nations.<sup>132</sup>

At the end of October 1929 Jacobus Beukes, however, had sent another petition directly to the League of Nations. In this petition he alleged that the South African

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<sup>126</sup> GG 1567:50/1330, Telegram D. Beukes/Gouvernor General, 13 June 1929; SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Letter acting Secretary for South-West Africa/Magistrate, 27 June 1929.

<sup>127</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Telegram Prime Minister/Secretary [for South West Africa], 29 June 1929. LNA, 1928-1932, 6A/443/2180, Translation of telegram, dated July 2nd, from Daniel Beukes, Rehoboth, South West Africa, to Secretariat, League of Nations, Geneva; *The Windhoek Advertiser*, 19 October 1929.

<sup>128</sup> LNA, 1928-1932, 6A/443/2180, Telegram from League of Nations to Daniel Beukes, dated July 3rd, 1929. LNA, 1928-1932, 6A/443/2180, Translation of telegram, dated July 19th, from Daniel Beukes, Rehoboth, South West Africa, to Secretariat, League of Nations, Geneva; LNA, 1928-1932, 6A/443/2180, Letter Minister of External Affairs/Secretary General, 19 November 1929.

<sup>129</sup> LNA, 1928-1932, 6A/443/2180/NAW SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Telegram from League of Nations to Daniel Beukes, dated July 23rd, 1929.

<sup>130</sup> Oosthuizen, "Rehoboth-Basters", pp. 229, 238, 265. LNA, 1928-1932, 6A/443/2180, Petition J. Beukes/Secretariat of the League of Nations, 22 May 1929.

<sup>131</sup> LNA, 1928-1932, 6A/443/2180, Letter F. Friis/J. Beukes, 24 June 1929.

<sup>132</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South West Africa. Petition, dated February 11th, 1930, from Mr Jacobus Beukes, Rehoboth, and observations thereon, dated March 28th, 1930 from the Government of the Union of South Africa, 30 April 1930 (C.P.M. 1004).



Government had refused to transmit telegrams and petitions of the Majority Party to the League of Nations.<sup>133</sup> At the request of V. Catastini the petition was in fact transmitted on 28 April 1930 via the Union Government to the League of Nations.<sup>134</sup>

Lord Lugard acted as *rapporteur* of the petition and telegram of Jacobus and Daniel Beukes.<sup>135</sup> These petitions of protest, in which the main complaint was their undesirable constitutional position, were discussed during the eighteenth session of the Permanent Mandates Commission. V. Catastini had, early in October 1930, informed Daniel Beukes of the ruling of the Permanent Mandates Commission:

The Permanent Mandates Commission, having examined Mr. Jacobus Beukes' petitions... and Mr. Daniel Beukes' telegram... and not having found that any of the complaints set forth in these petitions and telegram are well founded, can only recommend the Rehoboths to abandon their internal dissensions and, as a united community, to work in harmony with the Administration.<sup>136</sup>

The Majority Party had understood the letter of the League of 25 March 1929 incorrectly and was obviously under the erroneous impression that the League of Nations would still pass a ruling on the future constitutional dispensation of the Rehoboth *Gebiet*.<sup>137</sup>

In reaction to the recommendation of the League of Nations that the Basters should bring about peace and work in harmony with the Administration, in Mid-January 1931 the Majority Party informed the League that they could not understand how peace should be achieved.<sup>138</sup> They pointed out that the Administration, despite the fact that the main reason for the division was the Agreement of 17 August 1923, still insisted that peace had to be achieved according to that agreement. They assured the League of Nations:

<sup>133</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Petition J. Beukes/ Secretariat of the League of Nations, 25 October 1929; LNA, 1928-1932, 6A/443/2180, Summary of letter dated October 25th, 1929, to the Secretariat of the League of Nations from M. Jacobus Beukes, Rehoboth post office, Box 9, South-West Africa.

<sup>134</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/J. Beukes, 7 December 1929. LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South West Africa. Further Petition, dated October 25th, 1929, from M. Jacobus Beukes, Rehoboth, and observations thereon, dated April 28th, 1930, from the Government of the Union of South Africa, 23 May 1930 (C.P.M. 1017).

<sup>135</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South West Africa. New Petitions from certain Members of the Rehoboth Community. Report by Lord Lugard, 15 May 1930 (C.P.M. 1012); Petition dated October 25th, 1929, from Mr Jacobus Beukes. Report by Lord Lugard, 28 June 1930 (C.P.M. 1063).

<sup>136</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/D. Beukes, 3 October 1930; *The Windhoek Advertiser*, 3 January 1931.

<sup>137</sup> Oosthuizen, "Rehoboth-Basters", p. 264.

<sup>138</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/D. Beukes, 3 October 1930.

We zyn geneigd voor vrede en is ook bezig om over die vrede te handel maar niet onder Proclamasie 28 van 1923 maar als die League of Nations die Proclamasie 28 van 1923 goedgekeurd heef, dan verzoeken wy U geachten ...het ons deudelyk te schryfen.<sup>139</sup>

At last, in February 1932 the League reacted, more than a year after the Majority Party had addressed its letter. Miss V. Dannevig acted as *rappporteur* of the January 1931 appeal of the Majority Party, and based on her report, the Permanent Mandates Commission decided

to request the Mandatory Power to have the text of the report by the Commission on their former petition fully explained to the petitioners, since the latter allege that they do not understand it; and also to inform them that, in view of the conclusions of the Special Commission under Judge de Villiers, the Mandates Commission sees no grounds for challenging the validity of Proclamation No 28 of 1923. It cannot but repeat its previous recommendation that the petitioners should be invited to discuss the agreement with the Administrator and constitute a united community, which could work in harmony with the Administration.<sup>140</sup>

Eventually this advice had the desired effect, because in April 1932 the two opposing parties met and decided to establish mutual peace, to hold a joint election in terms of the Baster constitution and subsequently to negotiate with the Administration on the 1923 Agreement.<sup>141</sup> However, the Administrator did not at that stage wish to allow an election in terms of the Baster constitution, reasoning that he first wanted to establish whether the reconciliation in the Baster ranks was permanent. He subsequently proposed that the current constitutional position, with representation via an advisory council, be maintained for a trial period of one year, after which constitutional

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<sup>139</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Petition N. van Wyk, *et al/Secretariat*, League of Nations, 15 January 1931; LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South West Africa. Letter, dated May 28th, 1931, from the Government of the Union of South Africa forwarding a letter, dated Rehoboth, January 15th, 1931, from Mr N. van Wyk and others, 8 July 1931 (C.P.M. 1213).

<sup>140</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. Twenty-first session. South West Africa. Petition, dated January 15th, 1931, from Mr N. van Wyk and other members of the Rehoboth Community, transmitted by the Government of the Union of South Africa on May 28th, 1931. Report by Miss V. Dannevig, 6 November 1931 (C.P.M. 1256); SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Uittreksels uit die notule van die een-en-twintigste sessie van die Permanente Mandatekommissie, pp. 1-5; LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/Mr. van Wyk and other members of the Rehoboth Community, 19 February 1932.

<sup>141</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Notule Vergaderen van beide Partyen van die Rehobothers gehouden die 18 April 1932; Letter Secretary for South West Africa/Secretary to Prime Minister 22 April 1932.

negotiations could be resumed.<sup>142</sup> The Majority Party disregarded this proposal, insisted on an election in terms of the Baster constitution and declared that they placed themselves under the guardianship of the League of Nations.<sup>143</sup> The Majority Party was, in spite of being assured by Werth to the contrary, afraid that should they participate in an election in terms of Proclamation 9 of 1928, they would be bound to the 1923 Agreement. After an election in terms of the Baster constitution they consequently wanted to negotiate without any possible limitations on the constitutional future of the Rehoboth *Gebiet*.<sup>144</sup> On the other hand, the Minority Party, mainly motivated by the large-scale poverty and suffering caused by serious drought and accompanying world depression, accepted the proposal.<sup>145</sup>

Because of the continued refusal of the Administration to agree to an election according to the Baster constitution, the Majority Party in June 1932 complained about their plight in a petition to the League of Nations.<sup>146</sup> For the umpteenth time they did not follow the correct channels, and again they were requested to transmit their petition via the South African Government.<sup>147</sup>

This request was granted and early in October 1923 the South African Government transmitted the petition, together with a bulky memorandum, drawn up by the Administrator of South-West Africa, to the Secretary-general.<sup>148</sup> Miss Dannevig,

<sup>142</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Minutes of an interview conducted by a delegation consisting of representative members of the Rehoboth community on Friday 6 May with the Honourable Administrator and the Advisory Council, pp. 4-5.

<sup>143</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Letter N. van Wyk, *et al*/Magistraate [sic], 5 June 1932 (Addendum to Letter Magistrate/Secretary for South West Africa, 14.06.1932).

<sup>144</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Letter Magistrate/Secretary for South West Africa, 14 June 1932, p. 1.

<sup>145</sup> SWAA A206/43 Rehoboth Bastard Gebiet. Advisory Council minutes, Meeting of members of Rehoboth Community held at the Magistrate's offices at Rehoboth on 10 April 1930, called by the Magistrate to discuss the current situation of the inhabitants of the Gebiet as well as which steps members would regard necessary to assist the inhabitants; Letter H. Klazen, *et al* Magistrate and Advisory Council, 24 April 1930; SWAA A206/43 Rehoboth Bastard Gebiet. Advisory Council minutes, Advisory Council of the Rehoboth Community. Meeting held at Rehoboth in the Magistrate's offices on Friday, 20 June, 1930, p. 3; Meeting held at the Magistrate's offices at Rehoboth on Friday, 24 October, 1930, pp. 3-5. P.W. Müller, "Aspekte van die blanke problematiek in Suidwes-Afrika, 1920-1950" (D.Phil., University of Pretoria, 1989), pp. 21-22, 69. SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Letter H. Klazen, *et al*/Chairman of Advisory Council, 6 June 1932 (Addendum to Letter Magistrate/Secretary for South West Africa, 14 June 1932).

<sup>146</sup> LNA, 1928-1932, 6A/443/2180, Petition N. van Wyk, *et al*/League of Nations, 17 June 1932.

<sup>147</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/J. Beukes and Others, 8 August 1932.

<sup>148</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South West Africa. Letter dated October 6th, 1932, from the Government of the Union of South Africa (I), transmitting a petition, dated June 17th, 1932, from T. [sic] Beukes and 11 other

*rapporteur* of the petition, remarked with regard to the decision of the petitioners to co-operate with the Minority Party and the Administration: "I am not in a position to know how far the decision to co-operate is due to the present difficult economic position in Rehoboth and to the explanation given to the burghers concerning the advice and views of the League of Nations."<sup>149</sup>

Both factors did, in fact, play a special role in this co-operative decision of the Majority Party. On the one hand the advice of the League of Nations to bring about mutual peace and to work together in harmony with the Administration<sup>150</sup> served as direct incentive for the Majority Party's reconciliation efforts. Apart from that the idea that the economic misfortunes could be ascribed to the refusal of the burghers to accept the Advisory Council system also had strong adherents among the Basters.<sup>151</sup>

In February 1933 the League of Nations reacted to the Majority Party's petition of June 1932. The recommendation of the Permanent Mandates Commission "to collaborate with the Administration, to participate as a united community in the election of an advisory council and to accept the administration's proposal that the 1923 agreement be discussed next year", was a further setback for the Majority Party.<sup>152</sup>

Towards August 1932, however, matters took a dramatic turn when Captain Nicolaas van Wyk of the Majority Party and 123 of his followers decided to join forces with the Minority Party and co-operate with the Administration.<sup>153</sup> Van Wyk realised that there was no hope that further appeals to the League of Nations would succeed. Furthermore, the economic depression and the notion that all the suffering could be ascribed to the refusal to accept the Advisory Council system, definitely played an important role in this decision to co-operate. In time Van Wyk's example was followed by more members of the Majority Party. The result was that the support for the latter

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burghers of [R]ehoboth (II), together with a memorandum drawn up by the Administrator of South [West] Africa (III), 3 November 1932 (C.P.M. 1316).

<sup>149</sup> LNA, 1928-1932, 6A/443/2180, League of Nations. Permanent Mandates Commission. South West Africa. Petition, dated June 17th, 1932, from T. [sic] Beukes and 11 other burghers of Rehoboth (C.P.M. 1316), 24 November 1932. Report by Miss Dannevig (C.P.M. 1340), p. 4.

<sup>150</sup> Oosthuizen, "Rehoboth-Basters", p.273.

<sup>151</sup> LNA, 1928-1932, 6A/443/2180, Petisie J. Beukes/Secretariat, 3 July 1932, p. 1; LNA, 1933-1940, 6A/1455/3339, League of Nations. Permanent Mandates Commission. South West Africa. Petition from Mr Jacobus Beukes, dated July 3rd, 1932 (C.P.M. 1370). Report by Mlle. Dannevig (C.P.M. 1426), 30 June 1933, pp. 1-2.

<sup>152</sup> LNA, 1928-1932, 6A/443/2180, Letter V. Catastini/J. Beukes, *et al*, 10 February 1933.

<sup>153</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 10), Letter N. van Wyk, *et al*/Magistrate, 15 August 1932 (Addendum to Letter Magistrate/Secretary for South West Africa, 23.08.1932).

decreased to such an extent that the Minority Party enjoyed by far the majority support in the Baster community.<sup>154</sup>

Shortly after the expiry of the one-year trial period of the Baster Advisory Council, the Basters requested the Administrator to re-instate the Baster Captain and Council system.<sup>155</sup> However, the Administrator denied the request and argued that the Basters were not sufficiently developed nor did they have adequate administrative skills to handle local self-governance in a responsible manner. The only concession the Administrator was prepared to make was to allow all six members of the Baster Advisory Council to be elected in future.<sup>156</sup>

A small group of dissatisfied Basters, headed by Jacobus Beukes, and known as the so-called "grieved citizens", still hoped that the League of Nations would intervene to reinstate their rights.<sup>157</sup> V. Dannevig acted as *rappporteur* for their petitions of 29 March and 5 April 1933.<sup>158</sup> At her recommendation the Permanent Mandates Commission decided "that those petitions do not call for any recommendation on its part to the Council."<sup>159</sup> The Council of the League of Nations approved this recommendation, and V. Catastini informed the petitioners on 13 February 1935 accordingly.<sup>160</sup>

The small group of malcontents was, however, not satisfied with the League's answer. At the end of June 1935 Jacobus Beukes, supported by four other Basters protested in a radiogram, requesting that A. Theodoli of the Permanent Mandates Commission grant them a personal interview.<sup>161</sup> They were of the opinion that the petitions had been either translated incorrectly, or were merely being understood incorrectly. This

<sup>154</sup> Oosthuizen, "Rehoboth-Basters", pp. 293 and further.

<sup>155</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 11), Memorandum C. Klazen, *et al*/Magistraat, 16 June 1934; Memorandum D. Beukes, *et al*/Administrator, 21 October 1934 (Addendum to Letter Magistrate/Secretary for South West Africa, 24 October 1934).

<sup>156</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 11), Letter Magistrate/Secretary for South West Africa, 10 November 1934, pp. 4-5; U.G. 26-1935, *Rapport aangebied deur die Regering van die Unie van Suid-Afrika aan die Raad van die Volkebond omtrent die administrasie van Suidwes-Afrika vir die Jaar 1934*, p. 80.

<sup>157</sup> NAW Mem. 4.24, Viall, *Rehoboth Basters*, p. 51.

<sup>158</sup> Oosthuizen, "Rehoboth-Basters", pp. 295-296.

<sup>159</sup> LNA, 1933-1940, 6A/1455/3339, League of Nations. Permanent Mandates Commission. South West Africa. Petitions emanating from certain Members of the Rehoboth Community dated March 29th and April 5th, 1933, respectively, transmitted by the Government of the Union of South Africa on August 19th, 1933, with its observations thereon (C.P.M. 1436). Report by Mlle. Dannevig (C.P.M. 1578), 8.11.1934, p. 4.

<sup>160</sup> LNA, 1933-1940, 6A/1455/3339, Letter V. Catastini/J. Beukes, *et al*, 13 February 1935.

<sup>161</sup> Samuel (Toko) Koopman, Johannes (Lukas) Beukes, Johannes (Griet) Beukes, Johannes Gerzete. SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 11), Letter Magistrate/Secretary for South-West Africa, 18 July 1935.

request fell on deaf ears, however, because on 15 July 1935 E. de Haller of the Permanent Mandates Commission merely wrote the following remark on the radiogram: "No action required."<sup>162</sup>

The League was therefore of the opinion that the Baster question had been solved satisfactorily, and after the June 1935 radiogram of Beukes, the Basters did not appeal to it again.

The Baster community was not satisfied with the limited powers of the Baster Advisory Council and continued to long for the time when they could have their own Captain and Council. They appealed to the earlier promises of Administrator Hofmeyr and Prime Minister Hertzog, namely that the suspension of the 1923 Agreement was of a temporary nature and that, as soon as unity was restored, the restoration of their rights would be considered seriously.<sup>163</sup>

The continued pleas by the Basters were eventually rewarded with the appointment of the Geard-Allen Commission that submitted a report to the Administration in July 1939. This two-man commission found, with regard to the captaincy and Baster Magistrate, that no Baster was able to fill the posts with dignity. Concerning the institution of a Baster Council that would have legislative and executive powers, the Commission found that the Basters did not have the necessary skills and impartiality to execute the duties of such a council efficiently.<sup>164</sup> The South African Government accepted these recommendations, and the Baster community was informed that there would be no change in their constitutional status at that stage.<sup>165</sup>

The Second World War, however, pushed the entire matter into the background. It was only after the National Party came to power in South Africa (in 1948) that the pleas of the Basters received a more sympathetic audience. This shift of emphasis eventually resulted in 1976 in the acknowledgement of their rights with the Rehoboth Self-government Act (56/1976). According to this Act the executive power in the Rehoboth *Gebiet* was seated in the Captain's Council, consisting of the Baster Captain and two councillors appointed by him. The Captain was elected for a term of five years and the legislative power was held by a *Volksraad* (Baster Council) consisting of six members who were elected annually.<sup>166</sup>

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<sup>162</sup> LNA, 1933-1940, 6A/1455/3339, Radiogram J. Beukes/Secretary Mandates Commission, 27 June 1935.

<sup>163</sup> Oosthuizen, "Rehoboth-Basters", pp. 304 and further.

<sup>164</sup> SWAA A206/3 Bastard Gebiet Rehoboth. Rehoboth Matters (vol. 12), Report of the commission nominated to investigate the matter of self-governance in the Rehoboth Bastard Gebiet, n.d.

<sup>165</sup> U.G. 30-1940, *Verslag voorgelê deur die Regering van die Unie van Suid-Afrika aan die Raad van die Volkebond oor die administrasie van Suidwes-Afrika vir die Jaar 1939*, p. 186.

<sup>166</sup> A. du Pisani, *SWA/Namibia: The politics of continuity and change* (Johannesburg, 1985), pp. 248, 360.

## 9. Conclusion

Baster-South African and Baster-League of Nations relations in the period 1919 to 1939 mainly centered on agitation for self-governance and were predominantly characterised by the many pleas of the malcontents to the League of Nations. These relations in time deteriorated into an aimless exchange of words and correspondence, with the Basters trying all avenues for solutions but continually being stopped by insurmountable resistance to their plans for freedom. Apart from the fact that the South African Government regarded the Basters as incompetent, the Government was bound to the mandate. The other native groups might perhaps also claim the same privileges.

The relations were further characterised mainly by Baster distrust of the South African Government, because the former several times sent petitions of protest in secret to the League of Nations. The South African Government did forsake the "sacred trust", namely the constitutional development of indigenous groups towards the eventual independence of South-West Africa. The settlement and prosperity of the whites from the Union of South Africa received priority and in the process the general development of indigenous groups was hampered.

The League of Nations did in fact courageously try to watch over the "sacred trust" as custodian. This body was, however, bound by its very restricted enforceable authority and also by the support that South Africa received from the so-called great powers, especially Great Britain.

In the afterglow of the Second World War the "advantageous" position of South Africa changed drastically. Racism or anything else associated with Nazism was regarded with mistrust and suspicion by the majority of the international community. International pressure on South Africa, especially because of its internal policy of racial discrimination, increased strongly and South Africa was time and again condemned for "undesired occupation" of South West Africa and the enforcing of apartheid legislation in the territory.

Where as the League of Nations had not succeeded as custodian of the former German colonies, its successor, the United Nations, had a lion's share in the eventual liberation of Namibia in 1990.

With the independence of Namibia on 21 March 1990 a new era dawned in the Rehoboth Basters' quest for independence. The Swapo-dominated Namibian government led by Sam Nujoma fought the earlier focus on ethnicity and the so-called homelands (the latter as a practical extension of the South African apartheid policy) with everything in its power. The quest of the Basters for the establishment of a federal model instead of a unitary state, as advocated by Swapo, went unheard.<sup>167</sup> The threats of captain Hans Diergaardt and his supporters unilaterally to declare the Rehoboth Gebiet independent, appeals to the United Nations and court cases against the Namibian

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<sup>167</sup> *The Daily News*, 1 May 1989; *Die Republikein*, 14 September 1992.

Government to restore powers of self-governance and property rights have had no success to date.<sup>168</sup>

Even a Baster referendum shortly after the 1990 elections, in which 85% of the voters of the Rehoboth Gebiet participated, of whom 84,1% voted in favour of the preservation of their inalienable property rights, could not render the Namibian government sympathetic towards the Basters.<sup>169</sup> In fact, Captain Hans Diergaardt was forced by the Namibian government to evacuate the official residence at Rehoboth, and state president Nujoma refused to acknowledge Diergaardt as captain of the Basters because he was not prepared to divide Namibia into ethnic regions again.<sup>170</sup> The "Bitter-enders", however, in spite of fierce opposition from the Namibian government, do not intend to give in and will continue the quest for self-governance and property rights with all peaceful means at their disposal.<sup>171</sup>

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<sup>168</sup> *The Star*, 11 March 1989; *S.A. Observer*, 30 April 1989; *Patriot*, 23 March 1990; *Rapport*, 23 April 1989; *Die Republikein*, 10 September 1991, 28 January 1992 and 22 April 1992; *Die Suidwester*, 2 November 1990; *Finansies en Tegniek*, 19 November 1993.

<sup>169</sup> *Patriot*, 6 July 1990.

<sup>170</sup> *Die Suidwester*, 5 October 1990. *Die Republikein*, 27 February 1992.

<sup>171</sup> Interview, G.J.J. Oosthuizen/H. Diergaardt, 24 March 1995.