

THE COLONIAL STATE AND THE LAND QUESTION IN SWAZILAND, 1903-1907

by

Martin Fransman

Introduction

Unlike the European case, where feudal relations of production themselves gave birth to capitalist relations, in Africa indigenous relations of production were transformed also as a result of the intervention of outside forces. The end result was the subordination of the indigenous relations, although the form which this took differed widely in different parts of Africa.

The object of the present paper is to throw some light on aspects of this process as it occurred in Swaziland. In particular, the role of the British state will be examined during the period 1903-1907, the former date marking the beginning of British rule in Swaziland. During this period the prime aim of the British state was to establish a set of property relations appropriate for capitalist accumulation. However, in order to locate the present study, it is necessary first to provide an introduction to the context in which the British state took over formal control in Swaziland.

By the middle of the nineteenth century the "Swazi Nation" had been formed as a result of the successful military and political subordination of a number of Sotho and Nguni groups by the conquering (Nguni) Dlamini clan. (1) The result was a hierarchical class-based society in which the division between dominant and dominated class revolved around the effective control of land by the former and the payment of tribute-labour by the latter, principally in the form of labour-time spent working for the King, princes and chiefs. However, secondary divisions existed also among the dominant and dominated classes. While a chief was able to call for tribute labour (umemo), all chiefs were required to perform tribute labour for the King when he demanded it. In addition, some chiefs were more powerful and influential than others. Similarly, there were rich and poor "commoners" in terms of control over land and cattle. Although all were entitled to "beg" for labour (cela - indicating that they did not have an automatic right to receive labour), the rich, with more resources available for the provision of the compensatory food, were able to receive a net surplus of labour time. (2)

The Swazi ruling class, supported by an effective military apparatus (which was used on occasion against the neighbouring Sekukuni and Zulu), was able to consolidate its control over an area defined de facto by the balance of power between themselves and the Transvaal Boers to the north and west, the Zulu to the south, and the Portuguese to the east. Within this area they controlled resources that were to become more valuable over time. Until 1880 these consisted mainly of winter grazing

lands and, from about 1860, for various reasons, the Swazi rulers granted temporary grazing rights to a number of Transvaal Boers. In the early 1880s the situation changed dramatically, with the discovery of gold in the north-western part of Swaziland. This led to an immediate inflow of additional concession-seekers, who, given the effective control of the Swazi rulers in this part of the country and the unwillingness of the South African Republic or Britain to challenge that control, were forced to negotiate with the Swazi rulers. A number of (sometimes contradictory) reasons have been put forward to explain why the Swazi ruling class was prepared to extend rights, however minimal (3), over the resources under their control. One line of reasoning focusses on the prevailing structural imbalances in power and on the consequent desire of the Swazi rulers to avoid political and military destruction by voluntarily granting access to resources while attempting, as far as possible, to retain overall control. A variant of this line emphasizes the attempts of the Swazi rulers to play the South African Republic, Britain and the Zulu off against one another. Another line of thought, which, while differing in emphasis, does not necessarily contradict the first, is that the Swazi rulers wished to extend their control over resources by selling the temporary rights to resources in return for money, which gave them claims to commodities produced in other modes of production. It is, after all, hardly insignificant that by 1887 King Mbandzeni was receiving about £15,000 in gold per annum as rent from concessions. Whatever the combination of reasons for the granting of rights to resources by the Swazi rulers, it remains that a large number of often confusing and contradictory rights were granted. These included the notorious concession to collect rents on all other concessions and the concession to grant concessions.

The granting of concessions, however, resulted in the steady subordination of the Swazi rulers, in the first instance, to the concessionaires themselves and, through them, to the states of the South African Republic and Britain. In the nineteenth century the concessionaires themselves were divided into three, often antagonistic groups. Firstly, there were those whose activities formed a part of capitalist accumulation; these included mining, mercantile and agricultural operations on the basis of wage-labour. (4) Secondly, there were feudal elements involved in grazing and, to a lesser extent, farming in Swaziland. Lastly, there were those involved neither in production nor in trading activities, including speculators who bought and sold concession rights and those who rented their rights. To some extent the interests of the first and second groups of concessionaires were represented by the British and South African Republican states, respectively. However, the ultimate intervention of these states in Swaziland was determined by a wider range of considerations than merely the interests of the concessionaires. (5) Be that as it may, it was clear that in the decade from 1884 (the signing of the London Convention) to 1894 (the signing of the Third Swaziland Convention, which turned Swaziland into a protectorate of the South African Republic) the British state was prepared to accept increasing formal control by the South African Republic in Swaziland. This situation lasted until the outbreak of the Anglo-Boer War in 1899.

This brief characterization of "the subordination of the Swazi rulers" is, however, apt to be misleading, as are most accounts of the "disintegration" of the Swazi rulers and their "paper conquest". The reason is that the subordination was a contradictory process: while the power of the Swazi rulers was certainly subordinated to forces that were originally external, their position of dominance within their own mode of production was scrupulously maintained. Thus, although the Swazi rulers were "conquered" and their control over land substantially reduced, their position as a ruling class was reproduced. This was as true of the concessionaires as of Britain and the South African Republic. As Allister Miller, who succeeded Theophilus Shepstone in 1889 for a brief period as adviser to King Mbandzeni, put it: "the King was always sure of his authority inasmuch as it was conserved to him by every European who came to the country in an authoritative position. No-one wished to see Umbanine [Mbandzeni] lose his power because they knew his authority was of a friendly character to Europeans." (6) Similar provisions were made in the Third Swaziland Convention, although the possibility of curtailing the "internal power" of the Swazi rulers was not precluded: "the management of the internal affairs of the Natives shall be in accordance with their own laws and customs ... [which] shall be administered by the Native Chiefs entitled to administer the same in such manner as they are in accordance with the Native law and custom at present administering, in so far as the said laws and customs are not inconsistent with civilized laws and customs." In the event, the

relative power of the Swazi rulers was to be maintained until the present day (although it must be added that this is due to a number of complex factors, many of which are not discussed here).

In the following section, the measures taken by the British Government (which took over formal control of Swaziland after the Anglo-Boer War) to "solve" the question of land rights are examined.

The Capitalist (Colonial) State and Land Partition, 1903-1907

After the Anglo-Boer War Britain, having conquered the South African Republic, took formal control of Swaziland by issuing the Swaziland Order-in-Council of June 25 1903. According to the Order-in-Council, the Governor of the Transvaal was empowered to legislate by Proclamation and to administer Swaziland through a Resident Commissioner. (7) Regarding "native administration", the Governor was to "respect any Native laws by which the Civil relations of any Native Chiefs, tribes or populations are now regulated, except in so far as may be incompatible with the due exercise of His Majesty's power and jurisdiction or is clearly injurious to the welfare of the said Natives".

One of the first tasks of the new administration was to resolve the question of land ownership. In 1904, Proclamation No. 3 was issued, which stated the intention of the Governor to establish a Concessions Commission to delimit land solely for Swazi occupation. Clearly the state had to intervene, since accumulation was hampered by the lack of clarity regarding legal rights of ownership. As Allister Miller pointed out, up to the time of the 1904 Proclamation

... a native had the right of grazing his cattle with the herds of the European, the European used the same grazing ground as the native. The farmer might run his furrow up to the gate of a native kraal or round a native garden, and the native might cultivate a new plot on any untitled land. The native had free passage over the white man's farm, the European fenced and built where and how he pleased. (8)

Regarding the question of land ownership, the interests of the concessionaires and the Swazi (both the Swazi rulers and their subjects) were diametrically opposed. The Swazi argued that Mbandzeni merely gave the temporary use of the land to the concessionaires, while the latter argued that they had purchased the land. In this conflict the state, as in all class societies, was not neutral but intervened decisively in the interests of the dominant class - the mining, mercantile and agricultural concessionaires. From the very beginning it was taken for granted by the state that the Swazi would be given as much land as they needed in order to reproduce themselves, and the only real point at issue between the concessionaires and the state was how much was "necessary". (9) The "moral" or "legal" rights that the Swazi might have to the land were never an issue, and the views of even the British Special Commissioner to Swaziland, Enraght-Moony, despite their supportable logic, and despite the fact that he was "in agreement" with "the principle being followed" by the Commission, were ignored. (10) The Special Commissioner doubted whether "the quantity [of land], having regard to the peculiar circumstances of the situation, is equal to what the Swazis can justly claim". He continued:

The whole question of the division of the land in this territory is one of considerable difficulty as there are several important factors in its settlement peculiar to the situation which must be considered but which the Concessionaires now ignore ... The chief of these is the right of the Natives to occupy and use the land unrestrictedly, a right which has not hitherto been disputed, which has, in many instances, been specifically

reserved in the Concession deeds, and which it was clearly the intention of Umandine [Mbandzeni] to strictly preserve in all cases ... The position was I think recognized by the whites and the claim of ownership by many of them is of comparatively late growth.

Enraght-Moony therefore concluded that

The question of land to be reserved seems also to be one that in common justice should be decided upon the nature of the rights belonging, and already secured, to the Native, rather than by an arbitrary standard based upon the absolute minimum required to support a family at the present moment.

His suggestion was that "it would be no injustice to accord a certain percentage of the area claimed - say one third to two fifths - to each European Concessionaire, free of Native reservations, with freehold title". (11) However, even if the "rights" of the Swazi were irrelevant, their continuing power was a fact the state could not ignore. This was disclosed in a summary written by Allister Miller of a discussion he had with the High Commissioner in 1906:

Your Excellency had been told on the best authority you had consulted that the recent trouble in Natal [the Zulu Bambata Rebellion] was caused through the delimitation of land in Zululand and you would not imperil the peace of this country by rashly importing here a similar excuse for discontent. You would advise the Secretary of State on these grounds that we should have to exercise extreme care in the matter of partition. I replied that we considered that ... not one-third but one-fourth was more than sufficient [for Swazi occupation] ... (12)

For their part, the Swazi rulers made their position entirely clear in a petition by Labotsibeni, the Queen Regent of the Swazi Nation, and her most important councillors and chiefs, sent to the High Commissioner and dated 30th December 1904 (13). Regarding Section 20 (1) of the 1904 Proclamation, the petition stated:

It practically means that the Swazi Nation will, under the Governor of the Transvaal, be placed in locations to be decided by a Commission. This is in absolute conflict with the terms of Article 2 (3) of the Convention of 1894 ... Why, we ask, shall [the] Concessionaires have a pre-emptive right over other subjects of His Majesty! The limitation of boundaries or locations is an abhorrence to the Swazi Nation, and to alienate their land, as is proposed ... will be to treat them as a conquered people which, of course, they are not. They, of their own free will, applied for and have received the protection of the ... British Nation whose allies they were in the Sekukuni War, and indeed at all times. (14)

Regarding an alternative solution to the concessions problem, the Swazi rulers made the reasonable, and surprisingly moderate, suggestion that the concessions

should be absolutely cancelled and annulled in all cases where the Concessions depended on a yearly or other rental and which rental has not been paid; such Concessions should revert to the Swazi Nation as originally intended. (15)

The Swazi rulers were prepared to give further significant concessions to the concessionaires: "Of course, in cases where a specified sum has been given as a

consideration for Concessions, we recognise that such Concessions cannot be interfered with." (16) Entirely reasonable suggestions were also made in connection with the Private Revenue Concession: the concession that entitled the holder to collect and retain the rents paid on concessions:

... if it be decided that such Concessions as those coming under the Head of Harrington's Concession [the Private Revenue Concession], afterwards ceded to the South African Republic, are valid, then the Swazi Nation is entitled to receive from the Transvaal Government the sum of £63,000, more or less, because since the month of September 1899 no revenue from Harrington's Concession has been paid to or received by the Swazi Nation; and, as the Swazis had no concern after the date of Harrington's Concession with the collection of revenue from individual Concessionaires, there is either the aforesaid sum of £63,000 now due to them, or if such rents have not been paid in accordance with the terms of such Concessions, it is submitted that all rights under such Concessions should be forfeited owing to the non-payment of such rent. What is wanted is Swaziland for the Swazis and their independence recognised in terms of the several Conventions beforementioned ... The Swazi Nation has all day objected to the granting of Concessions indiscriminately by the late King Umbandine [Mbandzeni] as an infringement of its rights and they now claim that such as can should be abolished. (17)

What more reasonable argument, according to the norms of capitalist society, could have been put forward: that property rights, extended in return for the payment of a rent, should revert to the original owner in the event of the non-payment of such rent? The Swazi rulers were even prepared to accept the validity of those concessions for which rent was paid, even though they consistently rejected the claim that Mbandzeni had intended to give such strong rights over Swazi land; they argued the King was free to reclaim the land when he wanted to. However, property rights, the basis of the capitalist state, were, it appeared, to be guaranteed not to those who, by all accounts, were lawfully entitled to them but to those who had unlawfully usurped them. The capitalist state, the guarantor of property rights, was to be the agent for the removal of the property rights of the Swazi.

Milner refused to reply publicly to the Swazi petition but made his views clear one month later in a private letter to the Resident Magistrate in Swaziland. With a blend of racism and paternalism he blamed the cunning Queen Regent, Labotsibeni, who was grudgingly respected by the colonial officials who had to deal with her, and some unknown white legal adviser who naturally must have perverted the Swazi mind. (18) Regarding the concessions, Milner, with the aid of superb colonial double-think, argued:

It is not our fault that Umbandine gave these concessions ... It is not true to say that we are taking away the Natives' land and putting them in locations. The Concessionaires have certain rights over the land, sometimes very strong rights, and if they began effectively to exercise them it might end in the Swazis finding that the land had become worthless to themselves. Nobody can quite say where the right of the concessionaire ends and that of the Swazi begins or vice versa. As long as they have both got indefinite rights on the same land, disputes are certain. It is to prevent such disputes, and to ensure to the Swazis absolute and undisputed ownership of an ample amount of land, that the [Concessions] Commission has been empowered, where it sees fit, to make a partition of the land comprised in any concession, giving part of it absolutely to the concessionaire and part of it absolutely to the Swazis. The idea, that the Swazis are to be herded

together into two or three locations, and all the rest of the country handed over to the Europeans, is groundless. (19)

As groundless as Milner claimed this was, in the event the Swazi were to receive one-third of the area of Swaziland, scattered into some thirty-five locations. However, Milner was more frank in connection with the Private Revenue Concession. The British administration intended receiving concessions revenues in order to finance its activities in the country, and, while it claimed that such activities would benefit the interests of the Swazi, a claim which no one with any knowledge of the details of the administration's expenditure could take very seriously, it was forced to be more honest in this case:

As regards the Revenue Concession, this is, no doubt, a point of the greatest difficulty, and the area in which we ourselves are on the least sure ground. I think the best course to take is to be quite frank about it, and to tell the Swazis that we are not going to recognize this concession any more, but that we are, independently of it, going to collect the Revenues to which it refers, and to apply them to carrying on the Government of Swaziland. It is impossible to maintain that these Revenues were the private property of the ruler of Swaziland as an individual. They embraced all the then existing sources of public income, and whatever governmental expenditure there was could only have been defrayed out of them. We are now defraying all this expenditure. At the same time we recognise that the Queen, or whoever may, from time to time, be the head of the Swazis, is entitled to a certain share of these Revenues as private income, just as our King receives, as of right, a certain share of the Revenues of the State for his private uses. In this manner we are prepared to pay the Queen £1,500 a year out of the public coffers from this date, without claiming repayment of anything previously advanced to her. It should be clearly explained that the whole balance of the Revenue comprised in the concession now coming to an end, as well as the Native Tax, are not being taken away, but spent in Swaziland itself for the benefit of that country. (20)

In the event, the Private Revenue Concession was cancelled in 1905 and, according to Proclamation 9 of 1906, its accumulated receipts of some £20,000 were used to form the Private Revenue Trust. The interest from this Trust - at 4% yielding £800 per annum - were paid to the Chief Regent. (21)

In addition to Section 20 (1) of the 1904 Proclamation, there was a further provision in Clause 6 which, the Swazi felt, dealt a severe blow to the hierarchy of political control within Swazi society. This clause stated that

Anything to the contrary notwithstanding in the foregoing provisions, the Paramount Chief [i.e. the King] and other Native Chiefs shall continue to exercise jurisdiction according to Native laws and customs in all civil disputes in which aboriginal Natives only are concerned; provided always that it shall be competent for any party to such civil dispute to appeal from the decision of any such Chief as aforesaid to the Resident Magistrate, whose decision on such Appeal shall be final. (22)

The Swazi rulers strongly opposed this clause, arguing that it would undermine their authority, and argued that therefore, while criminal matters should be handled by the British state, all civil matters should remain under the control of the Swazi rulers (the petition was signed only by people of the status of chief and above):

We feel very strongly that this is a blow at the power and authority of our Chiefs and Paramount Chief inasmuch as it will rob them of the authority at present held by them over the people and will tend to make the people disrespect those who have hitherto been in authority over them and to whose authority they have hitherto bowed with every deference ... In this connection our Nation desires that all civil suits be tried by the Chiefs of the several districts with the right of appeal to the Swazi King or Paramount Chief. (23)

However, regarding criminal cases, the Swazi rulers stated:

We admit that we ourselves asked for the protection of the British Government, and as crimes are committed against the state or country rather than against the person, we recognise that the punishment for such crimes should be in the hands of our Protectors. That being so, we agree that such crimes as those scheduled in the Protocol of 1898 aforesaid [24] shall be cognisable only by the courts of the British Crown having jurisdiction. (25)

This was, indeed, a significant concession. An earlier attempt to deprive King Bunu of jurisdiction over criminal matters had practically led to a war between the Swazi and the Boers.

Milner, however, lightly rejected the Swazi rulers' claim that their authority would be undermined:

It is absurd to say that the appeal to the Magistrate destroys the respect for the Chief; if the Chief gives good decisions, the Magistrate will uphold him and thus confirm his authority. (26)

Such lack of logic was not surprising since the British state was determined to impose its authority, and thus Milner was unable to consider the case where, in the eyes of the Magistrate, the Chief gave a "bad" decision, and the effects on the Swazi people of their Chief being overruled. Milner was more honest when he went on: "Anyway, we cannot, as protectors of the Swazi people, abdicate our rights to prevent gross injustice in civil cases." (27)

The concessionaires, on the other hand, fully in support of the principles of partition, were concerned to ensure that the state would accept their definition of the "ample amount of land" that Milner said would be given to the Swazi. While a majority of the concessionaires were originally prepared to give up half of their land, if necessary, they were persuaded by the vigorous efforts of Allister Miller to secure a better deal. (28) The main organization through which the interests of the concessionaires were represented was the Swaziland Mining, Commercial and Industrial Chamber. (This chamber also represented the interests of the farming concessionaires and many of the mining concessionaires had substantial agricultural interests.) In a letter from the Executive Council of the Chamber to the High Commissioner's Office, dated 29th September 1906, the Council argued that "Any settlement shall have as its base an arbitrary and uniform reservation of a proportionate area of each land grant for native occupation, which area shall not exceed one-fourth of each 6,000 acres of land ...". However, special provision had to be made for the Swazi rulers. On the one hand, it was desirable to attempt to gain their support for the land partition, at least in so far as this did not require the making of too generous concessions, while, on the other hand, it was necessary to maintain the control of the Swazi rulers over the rest of the population and in this way to control the latter. Accordingly, the Swazi rulers had to be given special treatment. The Council therefore recommended "the acquisition by expropriation of 20 farms of 6,000 acres each for the proper provisioning of the paramount chief and other important sub-chiefs in the territory". (30)

Mineral concession holders were, however, in a special position because, as David Forbes, the General Manager of the Swazi Coal Mines, pointed out:

If on the portions of land beaoned off as Native areas all mineral rights are to be taken from the mineral Concessionaire, it will in many cases involve great loss not only to the mine owner, but also to the country [sic!] ... on base metal areas such as the Swazi Coal Mines property no-one can say where the exact spots are or where the best beds of coal will be found. (31)

Forbes therefore recommended

that the natives be allowed to sell or exchange any portion beaoned off for them, subject to the consent of the official Department that will hold the land in trust for them under the Communal system. Of course such land to be valued on its surface value [i.e. to exclude the value of the minerals]. (32)

The Concessions Commission, appointed by Milner, concluded its investigations in 1907. It recommended that one-third of each concession be removed and set aside for the occupation of the Swazi nation. While the rights of some of the concessionaires were not recognized by the Commission, it was recommended that the other concessionaires who held recognized concessions should be given full ownership of the remaining portion of their land. In order to effect these recommendations the High Commissioner issued the Partition Proclamation of 1907 and appointed a special commissioner, George Grey, to demarcate the Swazi areas by removing one-third from each concession, with the exception of mineral concessions.

The Swazi, having had their petition rejected and after failing to achieve any success from a deputation that was sent to London from November 1907 to February 1908 in order to protest against the recommendations of the Concessions Commission, resorted to a passive opposition to the demarcation work of the Grey Commission. Grey himself, in a letter to the Earl of Selborne, who became Governor of the Transvaal after Milner in 1905, complained that

I could not do otherwise than consider the attitude of the Chief Regent, which was tantamount to instructions from herself to the chiefs to withhold from me all information which might be useful to me, as opposition to the decision of Your Excellency. (33)

Nevertheless, Grey was of the opinion that

the interests of the Swazis have been almost as well known to me and as carefully considered as if they themselves had cordially co-operated in the work of the partition. (34)

Grey went on to point out the principles he had used in making this demarcation: "The important factor in any calculations is that the amount of land estimated as being capable of supporting a native family in each area should be able to provide food for, and grazing for the stock of, a group of seven natives." Using this as the basis for his calculations, Grey also made provision for population expansion. "I have estimated the native areas I have selected to be capable of supporting, under existing conditions, a population of 159,278, or an increase of 52½ percent of the estimated (present) population." In addition, there were two further factors which

may be considered as constituting a considerable margin of possibility as to the ultimate capacity of the native areas selected to provide for the requirements of the Swazi Nation. First: that it is practically certain that most Concessionaires and Farmers will try to keep a certain native population on their land, and that some proportion of the natives who find themselves outside of native areas will be contended [sic] with the terms that the landowners

will offer them and will remain on the white man's land. Second ... that with deeper ploughing, more thorough cultivation and thinner sowing, the land is capable of producing twice the amount of food that the native raises on it by his present methods ... (35)

Regarding the proportion of the land that should be set aside for Swazi occupation, the Concessions Commission and the Partition Proclamation had already decided on the principle of one-third of the land. However, with a cynicism becoming him, Selborne, mindful of the "magic of numbers", decided that some "window dressing" was called for. In a letter to Grey he suggested:

I think it would be as well, where you could easily do it, to add on to the native reserve a lump or two of land without increasing your expropriation list. I understand that the land thus added would not be of good quality or capable of supporting a large population, and that, therefore, the addition would be a show window addition; but I think that is a legitimate and not unwise thing to do under the circumstances. We [will then be] giving the natives more than a third of the good land of Swaziland; it is legitimate, therefore, to add some poorer land to forestall the ignorant criticism that we are taking two-thirds of the land away from them. (36)

In making his demarcation Grey worked on the assumption that the royal kraals and the herds of the most important chiefs should not be moved and that there should be minimal disruption to the lives of the Swazi. On completing his assignment, he reported that "while 37% of the total area of Swaziland has been selected as native area 58% of the kraals are in the native area ... all the important chiefs' kraals and the majority of the larger kraals in the country are in the native area ...".(37)

The concessionaires, however, were naturally given pride of place in Grey's calculations:

I have given especial consideration to the wishes of all Concessionaires occupying their land; I have visited every resident owner or held meetings in the neighbourhood which all residents were invited to attend. In almost every instance, I believe, I have framed partition to suit the views of resident Concessionaires and have been able to avoid including their homesteads or any land they cultivate in the native area. (38)

Selborne noted the "check-boarding" native of the partition proposals but felt that, despite the opportunities that this would present the Swazis, who "are very prone to cattle thieving" (39), it was inevitable since one of the principles of the partition was that the kraals of the principal chiefs should not be moved. Nevertheless, he was extremely pleased with Grey's demarcation and wrote to the latter: "I cannot pretend to be able to offer suggestions for the improvement of proposals that are so excellent." (40)

The Swazi, needless to say, were less happy. At a meeting between the High Commissioner, the Resident Commissioner, the Queen Regent and the Chiefs of Swaziland on the 14th May 1909, one of the Chiefs, Frank Nkosi, noted sadly:

With reference to the partition of the land. We cannot say much because we are like the woman that is married; we are married to this Government. Has the wife got power to prevent her husband doing what he likes because she is married to him? (41)

Regardless of the state's attempt at window-dressing, however, the facts spoke for themselves. The Swazi were given 2,420 square miles out of a total area of 6,553 square miles - about 37% of the country - divided into 32 scattered areas. They were allowed to remain on concessionaire-owned land for a period of five years from the 1st July 1909, but after that period "they could only continue to occupy such land on terms to be agreed upon between themselves and the concessionaires, the agreements being subject to confirmation by the Resident Commissioner". (42) In 1913 Proclamation No. 24 was issued, providing machinery for the removal of Swazi from concessions after the five-year period had elapsed. A chapter had been completed in the history of the Swazi, a chapter that was to have continuing repercussions up to and after independence.

Land Partition and Capital Accumulation

There are a number of points that may be made in assessing the broader significance of the partition of land by the British state. To begin with (if there are any who still need convincing), it is evident that the question of legal morality had absolutely nothing to do with the state's intervention. As Enraght-Moony, the British Special Commissioner to Swaziland from 1902 to 1907 and Resident Commissioner for part of 1907, himself pointed out, it was clear from a legal point of view that Swazi had the right "to occupy and use the land [on which they were living, including the ceded land] unrestrictedly". (43) This was totally ignored in the deliberations of the Concessions Commission and the Government's subsequent measures. What, then, it is necessary to ask, determined the state's intervention? The answer is that the state intervened in order to secure the conditions for capitalist accumulation. Such accumulation was obviously impossible under conditions where property rights were not only unclear but also in dispute. Accumulation could not take place in a situation where the Swazi rulers had the right and ability to charge high rents for the use of the assets which they owned and to withdraw at will the use of these assets. Furthermore, in securing the appropriate property rights for the accumulators of capital, it was necessary to remove the Swazi living on the land concerned. The "reserves" that were created to facilitate this process would serve to house the population that were not required as direct producers in the accumulation process. As has been shown, measures were then taken to enable farmers to obtain a work-force while the surplus population was removed to the reserves. The size of the reserves was determined by the conditions necessary under the prevailing social circumstances for the reproduction of the population. (44) This population, retaining access to the means of production, did not require assistance from state expenditures. In addition, the state took careful steps to maintain intact the political control of the Swazi rulers over their subjects by preserving their effective control over land, in this way securing control over the population in the reserves. In return, the King and chiefs were given generous treatment when it came to determining the size of their own lands.

The capitalist (colonial) state, determined by the emerging process of accumulation, was itself therefore to create the conditions for further accumulation. As later Colonial Reports were to express it:

From 1914, when the landowner acquired full right to the land, agriculture on European holdings developed. Two large cotton plantations attracted British capital, and a non-profit-making company, fostered by the Government [45], took over a considerable tract of country for the purpose of establishing selected European settlers as agriculturalists. The tobacco growing industry was encouraged and considerable sums of British capital were invested in the resuscitation of mining. (46)

Although the Proclamation of 1907 established the broad outlines of the state's policy regarding land and minerals (a matter that was once again to become a crucial issue during the decolonisation period) (47), it did not go unchallenged. When Sobhuza II became King in 1921, he brought a case against Allister Miller and the Swaziland Corporation as part of a strategy to regain land. However, in 1926, the Privy Council in England ruled against Sobhuza. Although during this period "the mind of the

native was unsettled" (Miller), the capitalist state firmly upheld the existing property relations, and the period after 1927, with the benefit of greater certainty, saw a more rapid rate of accumulation. This was further encouraged by the visit of L. S. Amery in 1927, which was followed by the first large grant by the Dominions Office to Swaziland, amounting to £60,000. (48)

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Notes

- (1) See Bonner's admirable dissertation for a detailed account of this process; P. L. Bonner, "The Rise, Consolidation and Disintegration of Dlamini Power in Swaziland between 1820 and 1889", PhD thesis, University of London, 1977.
- (2) For a more detailed account of the "mode of production" existing amongst the Swazi, see the author's PhD thesis (Sussex, 1978), Chapter 1.
- (3) The Swazi rulers were later to claim, with justification, that all they intended was to grant temporary rights which they could revoke at will.
- (4) The distinction in much of the literature on Swaziland between "Boer graziers and farmers" and "British miners, industrialists and traders" obscures the fact that many of the capitalist public companies with mining interests in Swaziland also controlled substantial amounts of land used for the purpose of capitalist commodity production. For example, the Swaziland Corporation, managed by Allister Miller, owned about 1,100,000 acres of land on which about 22,000 Swazi lived. Cotton was the major commodity produced by wage-earning labour tenants.
- (5) These are too complex to be discussed in detail here.
- (6) The Swaziland Native Affairs Commission, undated, but probably shortly after 1902.
- (7) In 1906, when the Transvaal received self-government, the powers of the Governor were transferred to the High Commissioner for South Africa.
- (8) Editorial in the Times of Swaziland, October 7, 1905.
- (9) This debate is reminiscent in later times of the conflict between foreign and local capitalists and the state over the question of minimum wage legislation.
- (10) Enraght-Moony was Special Commissioner from 1902 to 1907, and Resident Commissioner for part of 1907, when he was replaced by Coryndon who, together with Grey, managed the demarcation of the Swazi areas.
- (11) Letter to the Secretary, Swaziland Affairs, dated December 4 1905. Swaziland Archives, File J306/1905.
- (12) Memorandum of certain subjects discussed at an interview to which the High Commissioner, Lord Selborne, required Allister Miller's attendance on 15th September 1906. Swaziland Archives, File J205/06.
- (13) The councillors included Lomawa, the Queen Mother (Bunu's mother), Sogcogco, the Prince Regent, and Prince Malunge, Lobatsibeni's son.
- (14) Petition by Labotsibeni, Queen Regent of the Swazi Nation, and others to Sir Alfred Milner, High Commissioner for South Africa and Governor of the Transvaal, dated 30th December 1904. Swaziland Archives, File J10/1905, pp. 8, 9.
- (15) Ibid.
- (16) Ibid., p. 5.
- (17) Ibid., pp. 5, 6.
- (18) "... the majority of the signatories [all chiefs] doubtless did not understand what they have signed. The policy of the petition appears to originate with the Queen and her immediate followers and not to represent the mind of the Swazi

people; the terms of the petition are still less repetitive of the Swazi mind, but are evidently the work of some European adviser ... [However] I think we should recognise, at the same time, that the issue of the Proclamation was certain to produce a not unnatural excitement in the Swazi mind; that there are plenty of mischief-makers who are trying to mislead the Swazi as to the real effect of the Proclamation ..." Letter from Milner to the Resident Magistrate, Swaziland, dated 30th January 1905. Swaziland Archives, File J18/1905.

- (19) Ibid.
- (20) Ibid.
- (21) Hailey, Native Administration in the British African Territories. Part V. The High Commission Territories (London: HMSO, 1953), p. 375.
- (22) Quoted in Labotsibeni's petition, op. cit., p. 4.
- (23) Ibid., pp. 3, 4.
- (24) This was passed after the incident in which King Bunu was brought to court after the killing of Mhabha Sibandze, a senior induna, in April 1898.
- (25) Labotsibeni's petition, p. 4.
- (26) Milner, op. cit.
- (27) Ibid.
- (28) J. S. M. Matsebula, A History of Swaziland, p. 93.
- (29) Swaziland Archives, File J205/06.
- (30) Ibid.
- (31) Letter from D. Forbes to the Secretary of the Swaziland Concessions Commission dated 8th September 1905. Swaziland Archives, File J235/1905.
- (32) Ibid.
- (33) Grey, in a letter to Selborne, dated December 7 1908. Swaziland Archives, File D09/2.
- (34) Ibid.
- (35) Ibid.
- (36) Letter from Selborne to Grey dated 10th October 1908. Swaziland Archives, File D09/2.
- (37) Grey to Selborne, December 7 1908, loc. cit., p. 15.
- (38) Ibid., pp. 31, 32.
- (39) "But the Swazi are very prone to cattle thieving, and any check-boarding must result in giving them undesirable opportunities to indulge that propensity." Letter from Selborne to Grey, dated 21st February 1908. Swaziland Archives, File D09/2.
- (40) Letter from Selborne to Grey dated 8th October 1908. Swaziland Archives, File D09/2.
- (41) Swaziland Archives, File D/08/80.
- (42) Colonial Reports. Swaziland, 1954, p. 53.
- (43) Quoted above.
- (44) The similarity between the determination of the size of the reserves and the determination of the wage under capitalist production is interesting, the latter being the value of commodities socially necessary to reproduce the work-force.
- (45) This refers, presumably, to the Mushroom Land Settlement Company, started in 1909 by Allister Miller and others. After the First World War a number of British ex-officers were settled on MLS land and some of the settlers on this scheme came to play a prominent part in the political affairs of the country.
- (46) Swaziland Colonial Reports, 1954, p. 53.
- (47) See the author's PhD thesis.
- (48) The question of the effects of land partition on the supply of labour for capitalist production will be discussed in a later article.