



International Boundary Study

No. 143 – January 25, 1974

Lesotho – South Africa Boundary

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LESOTHO – SOUTH AFRICA BOUNDARY

I. BOUNDARY BRIEF

Lesotho is an enclave located within the east-central part of the Republic of South Africa. The Lesotho–South Africa boundary is approximately 565 miles long. For most of the distance, it follows undemarcated drainage divides and rivers such as the Caledon, Makhaleng, Orange, and Telle.

II. HISTORICAL BACKGROUND

The Cape of Good Hope was ceded by the Netherlands to the United Kingdom in 1814. British immigration followed and settlements were made along the Indian Ocean at Port Elizabeth in 1820 and at Durban in 1824. Beginning in 1836, to escape British administration, Afrikaner¹ farmers (Boers) made a number of northward migrations in a movement which became known as the Great Trek. The Afrikaners settled in what today are the territories of the Orange Free State, Transvaal, and western Natal.

Natal was annexed by the British in 1843, was made a part of the Colony of the Cape of Good Hope the following year, and became a separate colony in 1856. Also, in 1843 the Governor of Cape Colony signed a treaty with Moshesh (Moshoeshoe), the Chief of the Basuto, in which the Chief agreed to be the friend of the colony. Article III of the treaty delimited Moshesh's territory as follows:

The territory of the Chief Moshesh is bounded from [on] the west, from the junction of the Caledon with the Gariep [Orange] Rivers, to the sources of those rivers, near the Boutha Boutha [Butha Buthe or Sikhaming]; on the south, by the Gariep River, from the junction aforesaid; and [on] the north, by a line extending from about 25 to 30 miles north of the Caledon River, excepting near to its source, and at its junction with the Gariep, where the lands of Bethulia and the territory of Sikonyella come close upon its northern bank.

The independence of the Transvaal was recognized by the United Kingdom in a convention signed at Sand River in 1852; six years later Transvaal became known as the South African Republic.

The Governor of the Cape of Good Hope issued a proclamation in 1848, which declared British sovereignty over the territories north of the Orange river as far northward as the Vaal river and eastward to the Drakensberg. In 1851 a separate government was established for the territories by the United Kingdom under the name of the Orange River Territory, and during the following year clashes ensued between British and Basuto forces. In a

¹ Dutch, French Huguenot, and German peoples settled in the Cape area, forming the basic Afrikaner element of the present-day population of South Africa.

convention concluded between the United Kingdom and the Orange River Territory on February 23, 1854, the territory was recognized as an independent Boer republic with its name changed to the Orange Free State. The British Government also recognized the independence of Basutoland in the same convention.

Following a series of conflicts between the Basuto and the Orange Free State from 1856–68, Basutoland ultimately was reduced in size and annexed by the British. As the result of a boundary dispute, fighting between Basuto and Orange Free State forces continued sporadically from 1856–58, and in 1861 the Basuto petitioned for British protection. In 1865 the conflict started anew and again British protection was requested. On April 3, 1866, a peace treaty was concluded between the Orange Free State and Basutoland, by which the Basuto agreed to become subject to that state. In 1867 the conflict was renewed, and in January 1868 another appeal was made for British protection.

On March 12, 1868, the Governor of the Cape of Good Hope issued a proclamation which declared that the Basuto were British subjects and that their land was British territory. A treaty was concluded between the Governor of the Cape of Good Hope and the Orange Free State at Aliwal North on February 12, 1869, in which a boundary was delimited between Basutoland and the Orange Free State. The boundary left to the Orange Free State all Basuto lands west of the Caledon as well as the territory of Chief Molapo, from the confluence of the Caledon and Phuthiatsana (Putisani) northward to the Drakensberg.

The Basutoland–Orange Free State boundary as delimited in the Aliwal North Treaty of 1869 is as follows:

From the junction of the Cornetspruit [Makhaleng] with the Orange River, along the centre of the former to the point nearest to Olifantsbeen; from that point to Olifantsbeen; from Olifantsbeen to the southern point of Langberg; along the top of Langberg to its north-west extremity; from thence to the eastern point of Jammerberg; along the top of Jammerberg to its north-western extremity; from thence, by a prolongation of the same to the Caledon River; along the centre of the Caledon River to where the Putisani falls into it; along the centre of the Putisani to its source in the Drakensberg; from thence along the Drakensberg.

The British High Commissioner's Notice of May 13, 1870, as amended by Government Notice No. 74 of November 6, 1871, affords the present alignment of the Lesotho–South Africa boundary.² In the sector adjacent to the Orange Free State, the boundary differs from that of the Aliwal North Treaty by following the center of the Caledon to the Mount aux Sources and including the territory of Chief Malapo in Basutoland. Passing first along the Drakensberg, the Basutoland boundary was delimited in a clockwise direction along the

² In accordance with a footnote on page 228 of the Basutoland Orders in Council, High Commissioner's Proclamations and Government Notices (1868–1913), the notice of May 13, 1870, was printed as amended by Notice No. 74 of November 6, 1871. On page 331, Volume 1 of the 1961 Laws of Basutoland, the 1870 notice is printed without reference to its having been amended by Notice No. 74, but the wording is the same as that used in the earlier source.

sectors adjacent to Natal and the Cape of Good Hope. In places where the watershed is designated the boundary, the almost vertical escarpments of the Drakensberg facing outward from Lesotho are not always the drainage divide. The drainage divide is sometimes located behind the escarpments, leaving grazing land between the boundary and the steep slopes of the Drakensberg.

In the meantime, on August 11, 1871, Act No. 12 was passed by the Government of the Cape of Good Hope for the annexation of Basutoland to that colony. Along the northern segment of the line, between Basutoland and the Orange Free State, the boundary was delimited by the act as following the center of the Caledon to its confluence with the Klein (Little) Caledon and then along the center of the Klein Caledon to the head waters of the Orange at Mount aux Sources. Although confirmed by an Order in Council of November 3, 1871, the act was repealed by Act No. 34 of 1883, known as "The Basutoland Disannexation Act." In 1884 Basutoland again was placed directly under the Government of the United Kingdom. It was made a High Commission Territory³ and administered by a British High Commissioner.

On October 19, 1891, a proclamation issued by the High Commissioner for South Africa stated that the true source of the Caledon on the Basutoland–Orange Free State boundary was at or near Quaneke Nek. A pillar was erected to mark the point on the boundary.

During the Anglo–Boer War of 1899–1902, the United Kingdom annexed the Orange Free State as the Orange River Colony and the South African Republic as the Transvaal Colony. On May 31, 1910, the Union of South Africa was made a British dominion consisting of the provinces of the Cape of Good Hope, Orange Free State, Natal, and Transvaal. In 1931 the Union achieved the status of a sovereign state under the Statute of Westminster. Following a nationwide referendum, South Africa became a republic on May 31, 1961.

The British High Commission was abolished on August 1, 1964. Following constitutional conferences between the Basuto and British, Basutoland achieved independence as the Kingdom of Lesotho on October 4, 1966.

III. ALIGNMENT

The boundary is delimited by the "High Commissioner's Notice of May 13, 1970," as amended by "Government Notice No. 74 of 1971," as follows:

From the junction of the Cornetspruit [Makhaleng] with the Orange River, along the centre of the former to the point nearest to Olifantsbeen; from that point, by Olifantsbeen, to the southern point of Langeberg, along the top of Langeberg to its north-western extremity; from thence to the eastern point of Jammerberg; along the top of Jammerberg to its north-western extremity; from thence by a prolongation of

³ Bechuanaland and Swaziland also became High Commission Territories at a later date.

the same, to the Caledon River; along the centre of the Caledon River to the heads of the Orange River at the Mount aux Sources; thence westward along the Drakensberg,⁴ between the Watersheds of the Orange River and the St. John's River [Umzimvubu] to the source of the Tees [Telle]; down the centre of the river to its junction with the Orange River, and down the centre of the latter river to its junction with the Cornetspruit.

DOCUMENTATION

1. Treaty with the Chief of Basutos. Signed at Capetown, October 5, 1843, and at Thaba Bossi [Thaba Bosiu], December 13, 1843. *British and Foreign State Papers* (BFSP), Vol. 33 (1844–45), pp. 1078–9.
2. Proclamation of the Governor of the Cape of Good Hope, declaring the Tribe of the Basutos to be British Subjects, and the Territory of the said Tribe to be British Territory, March 12, 1868. *BFSP.*, Vol. 69 (1877–8), p. 1178.
3. Convention with the Orange Free State respecting Basutoland. Aliwal North, February 12, 1869. *BFSP.*, Vol. 70 (1878–9), pp. 322–7.
4. Act of the Government of the Cape of Good Hope, for the Annexation to that Colony of the Territory inhabited by the Tribe of People called Basutos. August 11, 1871. *Hertslet's Commercial Treaties* (HT), Vol. 17 (1890), pp. 4–6.
5. Act of the Government of the Cape of Good Hope, to provide for the Disannexation of Basutoland from that Colony [No. 34]. Assented to by Her Majesty, February 2, 1884. *BFSP.*, Vol. 75 (1883–4), p. 423.
6. British Order in Council, assenting to the Act of the Cape of Good Hope for the Disannexation of Basutoland from that Colony, and providing for the exercise of Her Majesty's direct authority over the Territory of Basutoland. Osborne, February 2, 1884. *BFSP.*, Vol. 75 (1883–4), pp. 424–5.
7. Proclamation of Her Majesty's High Commissioner for South Africa, respecting the Boundary between Basutoland and the Orange Free State. October 19, 1891. *HT.*, Vol. 19 (1895), pp. 38–9.
8. High Commissioner's Notice of 13th May 1870. *The Laws of Basutoland*, 4 vols. rev. ed. (Cape Town: Cape Times Limited). Vol. 1, p. 331.

⁴ The sector of the Lesotho–South Africa boundary adjacent to Natal is delimited only by the statement "thence westward along the Drakensberg." Clockwise from the Mount aux Sources, this sector extends first southeastward for about half of its length and then turns abruptly to the southwest.

This International Boundary Study is one of a series of specific boundary papers prepared by The Geographer, Office of the Geographer, Directorate for Functional Research, Bureau of Intelligence and Research, Department of State, in accordance with provisions of the Office of Management and Budget Circular No. A-16.

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