

# THE DOMINANCE OF THE SWAZI MONARCHY AND THE MORAL DYNAMICS OF DEMOCRATISATION OF THE SWAZI STATE

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## ABSTRACT

*The struggle for independence in Swaziland contended with two important dynamics: (i) the emerging new ideology of party politics in Africa largely patterned after the Westminster model of parliamentary democracy; (ii) the ideology of traditionalism that centred all contestation of political power on the monarchy. I observe that over the years the dominant philosophical framework in Swaziland has been that all constitutional initiatives should take due regard of the history, culture, traditions and way of life of the Swazi people. While the need to harmonise traditional sensibilities with modern principles of constitutional and international law is underscored, there is no political will to forge such harmony. In the light of the historical processes that have taken place since the 1960s I argue that the ideology of traditionalism is under threat. Kingship as an institution is also threatened as calls for genuine democratisation of the Swazi state are made both from within and from without, in the latter case by the community of nations. I conclude by suggesting that unless adjustments are made to both the traditional and the modern political structures, Swaziland will continue to be a security risk in the Southern Africa region. It is imperative, therefore, to shift tradition from being an ideology of domination to one of a shared value system in a transitory state guided by the realities of a modern democratic society.*

## INTRODUCTION

Swaziland has been described as the last country in Africa with an absolute monarch. The notion of absolute monarchism can be traced to early European thought that held that the universe was a grand empire founded upon principles of divine Logos (Harding 1997).

Judeo-Christian beliefs underscored the centrality of royal authority and the notion of the divine appointment and nature of kings. Royal absolutism, therefore, implied that kings were God's representatives amongst nations. They commanded unsurpassed authority, and respect for them was demanded, not earned. Such demand was for the purpose of ensuring the celestial fiat of kings as the cornerstone of universal (and national) harmony. In Europe today notions of the divine authority and appointment of kings are no longer tenable, thanks to the tedious weaving in of democratic ideals over the centuries. On the other hand, it should be recalled that when European powers colonised Africa one of their priorities was to weaken traditional forms of governance by locating the locus of power and social control somewhere in Europe. Traditional forms of governance were thus secondary, only deriving their legitimacy from the consolidation of societies around age-old customs and traditions. The location of real political and economic power in Europe was not subject to local questioning or negotiation.

The eventual 'death' of African traditional authority suited the colonial masters for as long as colonialism lasted. When, towards the middle of the 20th century, calls were made for democracy the primary question was what should replace colonial governance. The idea of reverting to the glorious past of African kingdoms and chiefdoms as edifices of power was not an option, ostensibly because the colonial master still wanted to perpetuate his interests in Africa. British Africa was thus channelled to adopt the Westminster model of parliamentary democracy, while French Africa voted in 1958 for the so-called Fifth Republic of France, which was essentially a continuation of the French colonisation process. Did these replacement models work? Suggesting that they did not, Ali Mazrui (2001, pp 18-27) argues that it was Africa's fault for borrowing:

... Western tastes without Western skills, Western consumption patterns without Western production techniques, urbanization without industrialization, secularization (erosion of religion) without scientification.

Mazrui feels Africa would have thrived had it gone back to its 'own tastes ... retaining its own lower levels of skills ... [retaining] African consumption patterns'. The Western models were thus unsuitable for Africa and plunged it into an abyss of anarchy and tyranny. 'Anarchy was too little control; tyranny was too much.' (Mazrui, p 20). Mazrui does not, however, indicate what Africa should have done to respond to the complex web of problems inherited from the colonial past. For example, the new African nationalist leader, having successfully won leadership through the ballot box, found a ready-made infrastructure with all its colonial trappings. Contrary to inherited forms of leadership in the traditional superstructure, Africa's fighters for independence were charismatic individuals who were not voted into their roles, but filled them as part of the historic process of the Promethean quest for freedom. After winning independence, the nationalist

leaders were thus the new celebrated heroes who had suffered callously under colonial regimes.

Invariably, most of them were Western educated. They spoke English or French. They inevitably used some of the value systems they learned from the West as their tools in the liberation struggle. The political liberation ethic and democratic ideals they cherished were imported from the West, and there was little time for indigenising these concepts in an Africa faced with the challenges of modernity and development. But it soon emerged that the nationalists could not practise at home what they had learnt from the West. The exigencies of development in the process of decolonisation took priority over matters of democracy and human rights. Dissenting voices and calls for periodic elections were considered disruptive and counterproductive. Most independence constitutions were shelved, and laws that had been used to sustain the colonial state were retrieved and applied with impunity. The end result was not development but rampant corruption, the looting of state resources by the powerful elite and the creation of the ruthless African dictator.

In differentiating between the ultimate goals of democracy and the steps necessary to achieve them Mazrui draws a distinction between fundamental rights and human rights, seeing the latter as instruments for achieving the former. This leads him also to distinguish between democracy as a means and democracy as a goal:

Firstly, to make the rulers accountable and answerable for their actions and policies. Secondly to make the citizens effective participants in choosing those rulers and in regulating their actions. Thirdly, to make the society as open and the economy as transparent as possible; and fourthly to make the social order fundamentally just and equitable to the greatest number possible. Accountable rulers, actively participating citizens, open society and social justice – those are the four fundamental ends of democracy.

(Mazrui, p 18)

Lintz and Stepan (2002, p 10) identify five conditions necessary for consolidating democracy:

- Conditions must exist for the development of a free and lively civil society.
- Political society must be relatively autonomous.
- All (leaders and followers) must be subject to the rule of law.
- There must be a state bureaucracy that is usable by the government of the day.
- Economic society must be institutionalised.

Conditions of democracy necessarily imply that a transition process that sought to bring about a new social order must have taken place. It is only after the old social

order has been removed that it is possible to establish and consolidate democracy (Lintz and Stepan 1997 and 2002).

This study will indicate the problems of democratisation Swaziland has faced since 1968 in the context of a monarchical political regime. Swazi kingship is not absolute in the Western sense, but has a rigid structure of checks and balances all meant to consolidate power in the monarchy. It is this concept of the centrality of the monarch that explains the nature and fundamental function of security.

### TRIUMPH OF TRADITION

Swaziland's dominant cultural text is characterised by an ideology of traditionalism (Mzizi 2002) which is the cornerstone of the attempts to consolidate the modern superstructure. This ideology, according to Macmillan (1985), started to emerge in the 1920s and 1930s as Swazis tried to come to terms with the social dislocation created by colonialism. Traditionalism as an ideology seeks to preserve symbols of the past in the economy of legitimating modern systems in the socio-cultural and political community. While agreeing with Macmillan that, like culture, traditionalism – which is culture's functional expression – is dynamic in both form and content, Mzizi (2002, p 168) argues that:

This [dynamism] is a natural phenomenon true of all social facts, but the uniqueness of the Swazi scenario lies in the fact that the Swazi cultural reality falls into the trap of being used by the dominant group to legitimate the status quo. The most dangerous scenario is when the gullible masses are unaware that what they have always held to be culture and tradition is being used to subjugate them in whatever form. In this scenario, traditionalism falls into the trap of social class, serving the whims of the dominant class in their agenda of power wielding and self-preservation.

Swazi kingship survived the hardships of colonialism thanks to the formidable and gallant attempts first of Queen Regent Labotsibeni Mdluli and later of Sobhuza II, her grandson. The Queen, while sensitive to the inevitable processes of change, asserted a strong regency that prepared the new King to fit into both the old and the new worlds with an agenda to either strike a balance between the two or to employ elements of the old to dominate the new. In a 1933 memorandum (Macmillan 1985, p 651) Sobhuza expressed his reasons for detesting missionary education.

- [It] causes the Swazi scholar to despise Swazi institutions and his indigenous culture.
- [It] causes him to be ill fitted to his environment.
- [It] releases him from the wholesome restraints, which the Swazi

indigenous method of education inculcated, and does not set up any effective substitutes for them.

The colonial government had recognised Swaziland as a chiefdom under a paramount chief, as was common throughout British Africa. Sobhuza II was thus allowed by British colonial practice to be in charge of all traditional institutions except for those that fell within the jurisdiction of the Resident Commissioner, the Crown's Representative. Sobhuza II used this leverage to consolidate his power base, fighting off all colonial tendencies that threatened traditional institutions. This was to be the case from the time he began to tackle the land question to the period of the 'winds of change' in the 1950s and 1960s. The struggle for political independence in Swaziland had to contend, on the one hand, with the new emerging ideology of party politics favoured by the British, and, on the other, with the traditional ideology that centres all power in the monarchy (Mzizi 1995, p 172). Sobhuza II had warned in 1959 that if the British championed a constitutional dispensation that would undermine traditional authority a constitutional crisis would result (van Wyk 1965, p16).

The greatest threat to traditional authority, Sobhuza II believed, was the universal franchise. However, his attempts to win independence on the basis of a purely monarchical system failed and in 1964 he was pushed to establish a royal political party, the Imbokodvo National Movement (INM).

The power base of this movement was the monarchy and its institutions, represented by the charismatic personality of Sobhuza II himself, who commanded unquestionable allegiance from the entire population. Thus traditional sensibilities were used successfully to counter the threatening foreign ideology that maintained that power should be contested. Sobhuza II did indeed contest power and emerged with a sweeping victory as if to prove to the colonial detractors that kings in Africa had inherent powers. On National Flag Day, 25 April 1967 (Kuper 1978, p 29), Sobhuza II derided party politics in Africa in the following terms:

This is a day of rejoicing ... It is the tradition of all African Kingdoms that their Kings are leaders as well as Kings. It is also true for Swaziland. Now rightly or wrongly some people have mistaken this dual capacity as dictatorship. I would like to assure you here and now that the King both leads and is led by his people. I am my people's mouthpiece ... There can be no peaceful progress without cooperation and unity of the people.

The socio-political dynamics that made Sobhuza II address so vehemently the issue of the leadership of kings are obvious. He was constrained by the swelling tides of Pan-Africanism on the external front, and the impatience and restlessness of the educated elite on the home front who were exploiting the issues of labour to advance reasons for a representative grassroots political democracy. The Pan-African forces

within Swaziland, although waning as the race to independence matured, did not attempt to reject kingship, but, as the British had willed, kingship was to be constitutionally entrenched, and not politically contested. The true value of kingship in national identity could only be properly celebrated if it remained within the confines of the traditional superstructure, the heart and soul of Swazi hegemony. Sobhuza II and his Swazi National Council felt otherwise. To them kingdoms could not be half republics and half kingdoms. The authority of the king could in no way be compromised. This view was to have far-reaching consequences.

Political Parties, especially the Ngwane National Liberatory Congress (NNLC) led by a Swazi Medical Doctor, Ambrose Zwane, espoused a Pan-African ideology. Its appeal to the working class threatened the dominance of the King's Party in the 1972 elections. The eventual winning of a meagre three parliamentary seats by the NNLC signalled the end of multipartyism in Swaziland, and the beginning of a long drawn out process of constitution making that has been ongoing ever since. Believing that the political pluralism provided for in the independence Constitution could, in the long run, jeopardise the dominance of the monarchy, Sobhuza II banned political parties on 12 April 1973. He thus succeeded, by using extralegal traditional powers, in asserting himself as political as well as traditional leader (Wanda 1990). In a well-prepared proclamation, he argued that:

- the Constitution had failed to provide for the machinery of good governance and the maintenance of peace and order;
- the Constitution was the cause of growing unrest, insecurity and dissatisfaction and was an impediment to free and progressive development in all spheres of life;
- the Constitution had permitted the importation into the country of highly undesirable political practices alien to, and incompatible with the way of life in Swazi society and designed to disrupt and destroy its peaceful and constructive and essentially democratic methods of political activity. Increasingly this element engendered hostility, bitterness and unrest in a hitherto peaceful society.

*The King's Proclamation to the Nation, 12 April, 1973 s 2(a), (b) and (c)*

The constitutional crisis that Sobhuza II had predicted in 1959 had indeed come to pass. To him, full freedom and independence would only be achieved when a home grown Constitution that would guarantee peace, order, good governance, happiness and the welfare of the Swazi nation was crafted. The assertion was a clear rejection of the Westminster model Constitution promulgated under Act 50 of 1968.

It is important to note that when Sobhuza II repealed the 1968 Constitution, he assumed all executive powers previously granted to the prime minister and Cabinet by the Constitution. He could now act at his own discretion, consulting

whomsoever he wished without being bound by law. He gave himself the power to detain without charge for a renewable sixty days any person he deemed a threat to the peace, and the courts had no jurisdiction to hear cases of detention. Meetings of a political nature, including processions and demonstrations, were to be censored by the commissioner of police. Thus traditional sentiments had triumphed over modern political initiatives (Mzizi 1995, p 176). B P Wanda (1990) comments as follows with regards to the King's action:

The legality of the King's action in repealing the Constitution, prompted and fuelled by a resolution of Parliament, is questionable ... the resolution of Parliament advising the King to repeal the Constitution was neither necessary nor adequate in itself; at best the resolution was only evidence of the subordinate status of the legislature in relation to the position of the King, and affirmative of the King's underlying claims that his powers and authority proceeded not from the Constitution, but outside it.

Sobhuza II recreated himself as an absolute monarch who, between 1973 and 1978, ruled the country with a Council of Ministers which, according to the Legislative Procedure Order of 13 April, 1973, had no say on any legal Bill except to draft it and hand it to the King to pass as a Kings-Order-in-Council (Mzizi 1995, p 177). Baloro (1991) noted that the net effect of the April 1973 events was to enable the King to complete the full circle of transforming himself from a formal constitutional monarch with relatively broad executive powers to an absolute executive monarch unbridled by the limitations of any constitutional provisions.

The Umbutfo Swaziland Defence Force (USDF) was formed during the turbulent 1973 crisis with the sole mandate of defending the institution of kingship from internal challenges. Umbutfo is a siSwati word for regiment, and, according to tradition, regiments are established and named by a king for the purpose of protecting kingship. Regiments in the traditional sense must undergo a period of royal training that involves painstaking discipline, a ritual from which they graduate with an insignia of special beads called *simohlwana*. While undergoing the initiation process they must demonstrate unflinching love for and loyalty to king and country. The expression they use after graduation is: *tsine sigane iNkhosi* (we are married to the King). Thus it was that the first 600 recruits into the USDF were drawn from strong able-bodied young and middle-aged men who had passed the traditional initiation at different times. They were now ready to defend the King, not with the traditional shield and battleaxe, but with the barrel of a gun.

It has been argued that Sobhuza II had the best of intentions in 1973. Hilda Kuper (1978, pp 336-337), the late King's official biographer, sees the 1973 events as a turn from 'nominal political independence into a full sovereignty under a leader who had proven his wisdom and moral courage over the years, a man ready to listen to all sides before making a decision, a King who was not a tyrant, a King

inspired by ideals of the best in a traditional African monarchy in which there was the interplay of councils and the King the mouthpiece of the people'. Kuper's hallowing remarks are based on the traditional role of Swazi kings that had no concept of absolute authority (Booth 1983, Hlatshwayo 1994) since various councils (*emabandla*) were put in place to check and balance the powers and decisions of the monarch.

These councils were established on the principle that they were representative. Hence selection to their membership was not arbitrary. But the King's position in 1973 was that henceforth he would rule with his Cabinet, and he assumed supreme powers and placed himself at the centre of the entire political machinery. Clearly he had taken charge of every facet of Swaziland's political life, both in the traditional domain and in the modern governance sector.

### FROM A WESTMINSTER MODEL TO A HOMEGROWN CONSTITUTIONAL DISPENSATION

In the aftermath of the 1973 events Sobhuza II set up a Royal Constitutional Review Commission. Membership and the terms of reference were wholly determined by him. The terms, which were never gazetted, included a provision to inquire into the broad parameters upon which Swaziland's Constitution should be based. The commissioners were to craft this philosophical framework taking due regard of the history, culture and way of life of the Swazi people 'and the need to harmonise these with the modern principles of constitutional and international law' (Kuper 1978, p 338). The report of that commission, including its *modus operandi*, was never made public but a logical assumption is that the Kings-Order-in-Council 23/1978, which established Parliament, was a consequence of the Royal Commission. The Order not only established the procedure for election, but also retained the powers of the King to make laws by decree and cemented the 1973 Proclamation as the Supreme Law of Swaziland subject only to amendment or repeal by the King after a 'new Constitution for the Kingdom of Swaziland has been accepted by the King and the people of Swaziland and brought into force and effect'.

Commenting on the tensions in Swaziland since 1973, B Khumalo (1996, p 13) writes:

One reason for the escalation in the nature of the constitutional tensions arising from the dual system operating in Swaziland since the introduction of Tinkhundla in 1978 has been the manner in which this system attempts to consolidate traditional authority structures within a predominantly modern system of government. Prior to the repeal of the constitution in 1973, the traditional structures were given recognition, but at a separate level of the administration. In this way, although some tensions were inevitable, they were much more confined than they have been since 1978. The question which arises, therefore,

is how can we address the tensions in view of the fact that there will always be some interaction between the traditional and modern sectors?

The search for a truly Swazi philosophical framework was a plausible idea, but the exercise was stalled by a dilemma about how to go about it and perhaps its focus in the first commission was derailed. The male dominated commission comprised unapologetic royalists in the persons of Polycarp Dlamini (former secretary to the Swazi National Council), Chiefs Sifuba and Ndleleni Gwebu (members of the Swazi National Council), R P Stevens, who seconded the parliamentary motion to repeal the 1968 Constitution, David Cohen (the Attorney General, who read the decrees in the King's Proclamation of 1973) and Authur Khoza (the King's Private Secretary, who had defected from the NNLC). It would appear that the motive behind the composition was to put together a team that would carry out an already predetermined task. These men knew that the axis of Swaziland's constitutional framework had to be the monarchy.

The weakness of the 1968 Constitution was that it had enshrined the powers of the King at two significant levels. First, the King could not act arbitrarily on the appointment and operation of the Prime Minister and the Cabinet. The elected House of Assembly was expected to be the base of the power and legitimacy of the Executive. Secondly, by being a constitutional monarch, the King was not above the Constitution.

Although it was traditionally believed that the King has limitless powers, this notion is incorrect – the checks and balances provided for Swazi kings and queens in effect meant that they could not do as they pleased. To be 'the mouth that tells no lie' meant to be the mouthpiece of the entire nation; the epitome of national aspirations and visions on all critical issues. The King speaks within the limits of instructions given to him by the various councils (Booth 1983, pp 45-46).

The commission did not entertain the issue of multiparty politics but instead focused on laying the groundwork for an electoral system that would be controlled and superintended by chiefdoms, and ultimately by the King through royally appointed committees. According to the 1978 Order elections were to be conducted for the purpose of establishing an Electoral College, the body that would elect members of Parliament. Nominations for Parliament were made in secret, much removed from the public eye. After deliberating for weeks, the Electoral College would announce the successful candidates. Quite clearly this was a way of ensuring that Parliament was comprised of the right candidates who would enhance the power of the King. Although Sobhuza II had indicated that the 1978 reforms were an experiment, the executors of the experiment believed otherwise, regarding it as a permanent arrangement worthy of being safeguarded by hook or by crook. There was much national consternation about the unrepresentative nature of Parliament; the seemingly uncouth methods of selecting candidates for the Electoral College and the eventual voting by an open single file in the manner of cows bound for a dipping tank. Defenders of the experiment held that it was the most traditional

way of doing things but one thing was certain: the power of the monarch over the modern political process remained intact. This was considered the primary motif that would hold the nation together and ward off so-called foreign ideologies.

Sobhuza II died in 1982 during the first phase of an experiment that was already sending signals of political corruption and abuse in the name of the King. Booth (1983, p 46) explains the functions of the *Liqoqo* prior to and in the aftermath of Sobhuza's demise thus:

In times past, the *liqoqo* and *libandla* were the only means by which the King received public counsel to guide his rule, the true 'voices of the people'. Those were times when communications were slow and vital issues were not as numerous, complex, or rapidly developing as they are now. From independence to the early 1980s, the national Parliament became the forum for debate over modern issues of governance. During the interregnum after Sobhuza's death, however, events have turned the *liqoqo* into the main policy making body, with Parliament's powers correspondingly diminished. *Liqoqos* have tried to take on this role in the past, notably following Mswati's death, fortunately without lasting success.

The *Liqoqo* was announced as the Supreme Council of State soon after Sobhuza's demise. It started by amending the Sedition Act of 1938, coming up with the 1983 Sedition and Subversive Activities Amendment Act. Opposition to the *Liqoqo* was considered a seditious act and carried a maximum prison term of twenty years. The regency left by Sobhuza II was thrown into turmoil as the *Liqoqo* wielded unbridled power, creating self-serving legislation.

The final showpiece of the *Liqoqo* was the dethronement of the Queen Regent for failure to accede to some of the fast lane innovations. But internal power struggles weakened their resolve and, by 1986, the *Liqoqo* had disintegrated. Mzizi (1995, p 185) writes: 'Yet it was all the more clear to any intelligent observer that the country was reaping the fruits of Sobhuza II who had by example, weal and woe, taught that political power was sweetest in the absence of opposition'.

Mswati III, Sobhuza's son and successor, has made three major attempts at reform. The methods he has chosen, for good or bad, hinge on the doctrine of consolidating royal power. Instead of taking a neutral position and letting Swazis debate the nature of the monarchy they desire, the King, like his father, has been in control of all the efforts. Mswati III set up the first commission in 1990 as an outgrowth of his traditional kraal meetings, dubbed 'the people's parliament' by the media. A senior prince who had served in the Sobhuza II Cabinet was appointed to take the wheel. This commission had a loose structure and non-formal mandate, hence its report was verbally presented at the kraal with no attendant pomp and circumstance. The King must have learned his lesson from this loose structure that had encountered procedural problems as people talked about anything under the

sun, and the media were there to report on every public meeting. For that reason, he set up the Tinkhundla Review Commission (TRC) by Decree 1/1992 more to focus on the electoral system than on the constitutional question *per se*.

Once again the normative factor was injected in s 3(b)(iv) of the terms of reference. The commission's mandate was to receive views regarding 'the way in which Customary Institutions in the Kingdom of Swaziland should and/or could be accommodated in the political system of the Kingdom of Swaziland in view of their important constitutional and social role in terms of Swazi Law and Custom'. Khumalo (1996, p 9) remarks as follows on the limitations placed on the commission:

First, the investigation into the structural arrangement of the constitution was necessarily limited. The monarchy, for instance, and its role in the constitution was presumed to be beyond question ...  
Second, the initial presumption appears to be that the customary institutions must be accommodated in any future constitution.

According to Khumalo, the question of monarchical support should have been put to the public. Had this route been followed, different opinions would have emerged and a fresh concept of the monarchy would have been possible in a new constitutional dispensation. Secondly, the reference to customary practices was a clear mandate to expand and refine the Tinkhundla philosophy of 1978, hence the official name of the commission. Khumalo agrees that while Tinkhundla as a system 'provides a useful method of delineating constituencies, what is wrong is the attitude that because they are presented as *customary* institutions, they automatically deserve to be protected, regardless of the views of the public'.

The commission reported that Swazis had rejected the return to party politics. This was obviously noted because of its importance in the determination of the strategic direction Swaziland was to take in the envisaged dispensation. Executive authority was to be vested in the King who would continue to appoint a prime minister and a Cabinet (in consultation with the prime minister). In relation to electoral procedure the commission recommended two elements: that representation to Parliament should be direct, and elections should be by secret ballot. These two elements were incorporated in the *Establishment of Parliament Order, 1992*. But again the supremacy of the monarchy over the entire system was spelt out in s 55 as follows:

The King may require the Prime Minister and other Ministers to consult with him on any matter relating to the Government of Swaziland, and the Prime Minister shall keep the King fully informed concerning the general conduct of the government of Swaziland and shall furnish him with such information as he may request in respect of any particular matter relating to the government of Swaziland.

In addition, s 51(2) stipulates that the King may remove the prime minister or any other minister from office at any time, and is not obliged to give reasons for his actions. The King's decision cannot be challenged in a court of law. Although the TRC (1992) report recommended that Swaziland craft a constitution with a Bill of Rights, four years passed before a Constitutional Review Commission (CRC) was set up. Like all previous commissions, the CRC was directly stage-managed by the King through a prince.

As in 1992 there was an attempt to appoint a broad-based commission but the non-representative clause in the terms of reference fuelled suspicions and this, together with other precipitate factors, caused some progressive and enlightened commissioners to abandon the exercise. One commissioner, Mandla Hlatshwayo, a known political activist belonging to the Peoples United Democratic Movement (Pudemo), withdrew from the 1992 commission, citing a conflict of interests. This was a landmark case of humble disobedience to the machinations of the monarchy, which, since the days of the late King, Sobhuza II, has been perceived to be using the tactic of 'open-yet-controlled' policy of accommodation in order to legitimate monarchical motivations. The 1996 attempt again included Mario Masuku, president of Pudemo, who withdrew for the same reasons as those of his counterpart in 1992. The 1996 Commission was very large, composed mainly of a cocktail of individuals perceived to be supporters of the monarchy, but with no understanding of the task before them. Many of the commissioners, while glorying in the fact that they had been royally appointed, saw their new task as an employment opportunity.

The intentions of the paymaster (the King) had thus to be protected. Internal debates and bad blood within the commission resulted in the resignations of the vice-chairman, Jeremiah Gule, an academic; the secretary Nkonzo Hlatshwayo, an advocate and academic and Mhawu Maziya, an advocate and academic. Zombodze Magagula, a legally trained company executive, never effectively resigned, but cited work pressure as the reason for his non-participation. Deviating from its original mandate to produce a draft constitution within two years, the commission managed only to come up with a shoddy report three years after the deadline. On the role of the King, the CRC (2001, pp 77, 82) states:

All powers of governing (ruling) and reigning over the Kingdom must remain entrenched in the Ngwenyama, according to Swazi law and custom and existing laws; if the King is not there, in the Ndlovukazi, and if both are not there, in the Authorized Person ... The nation further insists that the King's Office must be established, be autonomous, be strong and be a microcosm of the various government ministries, departments and sections. The office must also include the King's legal Adviser ... Parliament must work to perpetuate the Tinkhundla System of Government. Members of Parliament have a dual role: to pass laws and be development officers. The King should continue to appoint and dismiss a Prime Minister and any other Minister. The independence of

the judiciary should be maintained as it is, but the Courts must perform their functions with due regard to the customs and traditions of the people of Swaziland.

The CRC, like the 1992 TRC, commented on the question of multiparty politics:

An overwhelming majority of the nation recommends that political parties must remain banned. They do not want political parties in the kingdom. There is an insignificant minority which recommends that political parties must be unbanned. The recommendation is that political parties must remain banned in the Kingdom. The existing laws regarding this position must be enforced.

(p 95)

King Mswati III's attempts at reform have been marred by a litany of problems. First, he is aware that he has no option about whether he should be seen to be responding to the calls for democratisation. Secondly, internal pressure, although officially ignored, continues to disrupt the royal agenda of how change should be managed. The dissenting voices are heard far and wide, thanks to the international media and access to the Internet. Faced with these realities, the King has landed himself in further trouble by assigning unto himself the prerogative to manage change virtually on his own terms. This *modus operandi* creates problems of legitimacy because of his inherent vested interest in the outcome of the process. Holding unequivocally to the strategy and philosophy of his late father, King Mswati III desires to see a constitutional dispensation that will endorse him as unbridled superintendent of all the modern and traditional socio-cultural and political institutions. He thus elects to go about this exercise in ways that are self-serving, nursing a hope that he has the majority of the population behind his efforts.

His commissions, because of their chronic failure to demonstrate scientifically how they reflect public opinion, can be seen as tools for repeating, at best, what they perceive he wants to hear and, at worst, what he tells them in regular closed consultative meetings. The mutations and redefinitions of tradition by the ruling elite have been reconfigured and, with little regard to the complexities of the implications, impose traditional elements on every facet of Swazi life. This has caused problems in governance and the rule of law, as will be shown in the next section. On the question of individual liberties and fundamental freedom, the CRC (2001, p 83) reported:

The nation recommends that rights and freedom which we accept must not conflict with our customs and traditions as the Swazi nation. Agreements with other states and international organizations which deal with rights and freedoms must be submitted to the nation (at Tinkhundla) before such agreements become law in the Kingdom.

## STATE OF THE OPPOSITION

The banning of political parties in 1973 in effect meant that any organised opposition to the operation or processes of government was circumscribed. The major opposition to the King's Party was the NNLC, whose popularity increased in the run-up to the first elections of 1972, and which was probably the target of the ban. The King's Party continued to exist, but in name only, since the machinery of government was manned by officials who had been sponsored by or had materially supported the INM in the 1967 elections. The enactment of draconian legislation to enforce the King's Proclamation to the Nation killed the ethos and spirit of opposition politics so vital for emerging democracies and good governance in general. Dr Ambrose Zwane was detained and harassed and used the gap between the expiry of his detention order and its renewal to elude the police and escape to neighbouring Mozambique, eventually seeking refuge in Tanzania. Zwane's escape did not please Sobhuza II, who, despite the views he expressed at home about the important role played by tradition in developing innovative political strategies wanted to be viewed as a supporter of Africa's liberation. In addition, Zwane's ancestors and other close relatives had traditionally been connected to Swazi royalty and had played very significant leadership roles and functions. He therefore reverted to diplomacy to secure Zwane's return, on condition that he would make no further attempts to disrupt the status quo, while Sobhuza undertook never again to detain Zwane. Zwane returned to the kingdom a sickly and frail man. The ordeal had taken its toll on him, and Sobhuza had succeeded in killing off the NNLC.

During the Liqoqo era a group of university students responding to the widespread violations of human rights in general and the deposition of the Queen Regent in particular launched Pudemo. Pudemo's programme expanded from these primary concerns to address the core of the problem, namely, the absence of an official opposition. The detention without charge law was used to deal with Pudemo malcontents, but their voices were heard far and wide because their concerns resonated with popular public sentiment both within and outside the borders of Swaziland. In a letter to the King written in 1994 (Mzizi 1995, pp 188-189) Pudemo clearly spells out its demands.

- The 1973 State of Emergency and all other representative laws should be repealed.
- The unconditional return and indemnification of all political exiles should be gazetted.
- An interim government should be established to administer the process of democratic change.
- The Tinkhundla government is squandering public funds and further fails to properly manage the country's economy ... A government that is not democratic, transparent and accountable to the masses but is controlled and

directed by secret cabals. A government where those government officials who were found guilty of corruption and treasonable acts are rewarded with promotions. A government which does not listen to the voices of the toiling masses.

Apart from issuing statements and organising marches, Pudemo has not embarked on an aggressive strategy to force government to the negotiating table. Police torture and harassment, self-exile and death from natural causes of members of the original leadership succeeded in killing the initial enthusiasm. Through its youth wing, the Swaziland Youth Congress (Swayoco), Pudemo has continued to apply pressure by appealing to external forces to join in the call for the democratisation of Swaziland.

The Swaziland Solidarity Network, operating from Johannesburg, South Africa, is one such body that continues to make periodic attacks on the Swazi government. Police harassment and charges against the leaders of Pudemo serve to enhance the body's political image as well as to rekindle public memory of the party both internally and externally.

Alongside Pudemo, the Swaziland Federation of Trade Unions (SFTU) was also making calls for democratisation, using both internal and external mechanisms. Internally, SFTU would call for workers' meetings and announce an agenda with a distinctly political inclination. The police would pick this up and either call off the meeting or infiltrate it. The SFTU's policy document indicates a resolve to fight for citizens' rights; human rights; political, cultural, and economic rights.

We are convinced that workers' rights and Trade Union Rights are inseparable from human rights, and that one needs to be a human being first before he can be a worker if they are lucky to have a job as such workers' rights cannot exist where human rights are taboo.

The SFTU has exploited its status in the International Labour Organization (ILO) to make a strong case for Swaziland. Its technique is to quote an oppressive law and pinpoint a corresponding ILO convention violated by the law, thus making workers' rights untenable in Swaziland. Cases of police harassment of SFTU members and other workers are carefully documented to support the charges. As a result of SFTU's sustained complaints, the ILO has deployed no fewer than three missions since 1998 to review the status quo in Swaziland. This is usually very embarrassing for the government who have charged that the SFTU has a secret agenda to overthrow the state (Mzizi 2002, pp 210-213).

This strategy has kept the Swazi Government on its toes, since the repercussions of losing the export benefits made available through the Generalized System of Preferences (GSP), and other import/export privileges, are too severe to contemplate. Swaziland's textile industry and sugar export trade will only be sustainable if these trade benefits continue to exist.

The SFTU's credo clearly records its wider agenda:

- We believe people should govern and this can only happen where the political environment is democratic.
- We believe that all people have the right to self-determination, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
- We believe that everywhere, workers are a vehicle for social transformation.
- We further believe that workers have a duty to fight for democracy because even workers' rights are stifled under a non-democratic system of governance.
- We also believe that silence where workers' and human rights are systematically and brutally assaulted and mutilated makes the silent party equally guilty with the perpetrator, in fact the silent party becomes an accomplice.

Other formations that have been calling for democratisation include the Council of Swaziland Churches through its Peace and Justice Department, the Human Rights Association of Swaziland, Lawyers for Human Rights, and the Swaziland Democratic Alliance. Each of these formations has made its voice heard at various stages of Swaziland's contemporary history. They have all been systematically ignored by the powers-that-be. However, a landmark process, first mooted by government in the late 1980s, finally saw the light of day in 1997 when various stakeholders were assembled to craft a vision for Swaziland in 2025. What emerged from the deliberations was the National Development Strategy (NDS) Document (Swaziland Government 1997). Chapter Eight of the NDS concerns 'Governance and Public Sector Management'. The opening paragraph underscores the progressive notion that good governance is the collective responsibility of the entire society. Referring directly to the effects of the 1973 events, the NDS posits: '...The separation of powers between the three arms of government, particularly the role of the judiciary was compromised. The lack of a participatory process, specifically in the political sphere, led to the progressive erosion of a national set of values and vision around which the citizens could be mobilized'. Although it appeared after the CRC had been set up, the NDS suggested some strategic objectives that would make the envisaged constitution widely acceptable. According to the NDS (p 66) a constitution:

... which will be the supreme law of the land, ensuring the separation of powers of the three arms of government (the executive, legislature and judiciary), defining the universally accepted tenets such as a Bill of Rights guaranteeing freedom of association and speech; rule of law; freedom of the press; protection of disadvantaged groups; equality and protection against all forms of discrimination.

The NDS recognised that a viable constitution-making process should take place in an enabling environment where free political expression is guaranteed and mechanisms for wider representation are respected. 'Establish structures for promoting broad participation in the politics of the land to ensure full participation of all social formations in the formulation of a constitution or set of national conventions.'

When the King launched the NDS in 1999, the government had been pressured to doctor the original document by removing all references to political issues. The explanation given was that the CRC was working on those matters. However, it was not indicated what harm political issues would cause to a long-term national strategy such as the NDS. In the light of the history, an intelligent guess can be made that the fear was that if it included political issues, government would be perceived to be removing the process from the sole jurisdiction of the King. The legal ramifications were perhaps exaggerated, for no national strategy or development plan carries any force of law. The NDS was nothing more or less than a guide.

A series of blunders that have compromised the judiciary since the late 1990s have resulted in yet another formation: The Swaziland Coalition of Concerned Civic Organizations (SCCCO). Launched on 2 January 2003, the SCCCO comprises the Federation of Swaziland Employers, the Swaziland Chamber of Commerce and Industry, the Association of Swaziland Business Community, the Swaziland Federation of Trade Unions, the Swaziland Federation of Labour, the church, the Law Society, The Coordinating Assembly of NGOs and the Swaziland National Association of Teachers.

Expressing similar sentiments to those of earlier formations and calls made in the past two decades, the SCCCO was:

....concerned with the disastrous state of affairs prevailing in the country, breakdown in the rule of law, deepening bad governance, deteriorating economic environment and growing threat to the country's trade privileges i.e. GSP and AGOA and absence of convincing political direction, attendant fear and uncertainty to the social and business environment.

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The factors that have given rise to the formation of the coalition are: the non-observance of the rule of law by the Swazi Government; the intended purchase of a jet aircraft for the King, costing more than half-a-billion Rands and the resignation of all the judges of the Appeal Court. All these factors are blamed on the fact that '... government has failed in its responsibility to ensure justice, peace and stability for all citizens. The magnitude of the problems is being caused by Swaziland's system of governance.' SCCCO complains about a lack of fiscal discipline, loss of investor confidence, deteriorating economic environment, threats to job security,

the growing budget deficit and the loss of competitive edge in the region. Since the formation of the SCCCO the Prime Minister has continued to make arrogant remarks that fuel the body's anger and frustration, making it lose all faith in government's political will to put things right. The Prime Minister has continued to ignore calls for him to respect the rule of law. When government ignored the SCCCO's deadline of 20 January 2003 to restore the rule of law by repealing the Prime Minister's 28 November 2002 statement in which he had not only derided the judges of the Court of Appeal but categorically spelled out government's resolve to disregard the court's judgements, the coalition resolved to march on Parliament to deliver a petition spelling out its concerns. Of particular note are the solutions suggested. Reverting to the NDS, the coalition notes that a lasting solution to Swaziland's problems lies in the crafting of a democratic constitution that will enshrine:

- a justiciable Bill of Rights;
- separation of powers;
- establishment of an independent electoral commission to ensure and guarantee free and fair elections;
- codification of customary law;
- provision of the role of the monarchy;
- establishment of the office of the public protector.

To put pressure on government, the coalition threatened to disrupt the SMART Partnership International Dialogue scheduled to take place in Swaziland in August 2003. Although government appeared unperturbed by this threat, it knew that if it was carried out by the coalition, the bulk of whose membership was material to the success of the summit, the consequences would be far reaching and dramatic.

Not only would investor confidence continue to nosedive, Swaziland would be put under the spotlight as an intransigent country unworthy of receiving benefits from the African Growth and Opportunity Act (AGOA), the Generalised System of Preferences (GSP) and the New Partnership for Africa's Development (Nepad).

The coalition's march on Parliament was followed by two days of mass action called by the two workers' federations and the teachers' and civil servants' associations on 4 and 5 March 2003. The issues that precipitated the mass action are the same as those raised by SCCCO. The peaceful demonstrations revealed unprecedented support for the issues at stake. As the Prime Minister continued his smear campaign against the 'nefarious intentions' and 'lack of success' of the action, the King was reportedly very worried and had every reason to be so because the image of the country and royalty were at their lowest ebb (see *The Swazi News* of 8 March and the *Sunday Times* of 9 March 2003). He is reported to be losing confidence in the bodies and individuals that advise him.

The Swaziland authorities have thrived by showing arrogance in the face of any opposition and ignoring with impunity all calls for meaningful and participatory change. Those who call for an inclusive plural society are labelled anti-Swazi or

anti-monarchy. These labels are used to repel even the most genuine of voices that purport to support the dominance of the monarchy in the political community save only for a few necessary adjustments in the area of political participation. Sive Siyinqaba, Sibahle Sinje was one such organisation. Setting itself up as a cultural formation it commanded respect from royalists and former members of the Imbokodvo National Movement but, by 2002, the tone of its demands for political reform were in tandem with those of the known progressive formations.

It is becoming increasingly clear that the ideology of traditionalism is under severe threat. Unless adjustments are made to both the traditional and modern political structures, the winds of change might shake the foundations of kingship and compromise the [false] peace and stability Swaziland has been known for since independence. The trend is for basic tenets of modern governance to supersede the traditional notions that have only succeeded in silencing dissenting voices and have provided fertile ground for corruption and political failure.

To the traditionalists, Sobhuza II's concept of the dual role of the kings of Africa who ruled and reigned needs to be preserved and entrenched. The competing view is that such a role is dangerous for the continued existence of the monarchy itself, hence it is imperative to respond to modern democratic processes. As the tensions rage between the old and the new, matters of national security cannot be ignored. The preservation of the old, as indicated above, received the military touch in Swaziland in 1973 when the Swaziland Umbutfo Defence Force was crafted along the age-old regimentary system. Notwithstanding what has happened in the army since 1973 there has generally emerged an amorphous re-creation of tradition and attendant institutions that pretend to respond to modern democratic ideals as defined by the ruling elite. The major players in the process of selecting and adapting what should be nationally accepted are the ruling elite, who, as has been argued above, use their individuated understanding of tradition as a yardstick both in the selection process and the adaptation agenda. Any attempts to establish national consensus on fundamental issues are usually motivated by forces external to the dominant group that also determines not only the *modus operandi* but also the outcome of the exercise. The dominant group uses its power to edit the final product so that it confirms and conforms to its own values and aspirations. It is not overstating the case to say that Swaziland was colonised at two levels: externally by a foreign power that lasted effectively until 1968; internally by forces that predated European colonialism, with a mission to perpetuate the Dlamini aristocracy beyond independence from Britain. The intentions may be for the common good and stability of the nation, but the lack of openness gives rise to suspicions and allegations of dictatorship.

#### CONCEPTION OF SECURITY: A CASE OF COMPETING POSSIBILITIES

... the really significant formal feature of the State which seems to have most continuity and certainty, is that it is a relatively continuous

public power. For Vincent (1987: 21) 'this public power is formally distinct from both ruler and ruled. Its acts have legal authority and are relatively distinct from the intentions of individual agents or groups'. (This is not to say that specific members of a group cannot control the state.) Thus, the state – as public power – embodies offices, rules, coercive power, ideologies, and institutional practices which carry (or purport to carry) the authority of the state.

Du Pisani 2002, p 50

The idea of public power as a constitutive element of state legitimacy perhaps raises the question: What is the primary source and function of such power? In other words, is the power imposed or contested, and who finally reaps the benefits of the whole economy of power display? It is less complex to answer these questions in working democracies for there the location of power is invariably the electorate. But of course it cannot be assumed that all democracies are always like that. When power is willingly transferred from the electorate to the rulers, the assumption is that such power can automatically be withdrawn if it is no longer serving the intended purpose. The reality, however, is that elected leaders may, for various reasons, refuse to give up power and then rule without a public mandate. This corrupts the whole notion of, and assumptions about, public power. For Thomas Hobbes, as for Plato, the state was the epitome and symbol of virtue. The function of state (public) power was to maintain order. Even if the state is indeed the embodiment of virtue, it must still be asked, from where states draw that function?

Peter Amato (1997, pp 79-80) identifies the fundamental differences between Plato and Hobbes on this question. Hobbes's *Leviathan* concept sought to describe states with their requisite components, namely, equity, laws and sovereignty, as naturally ordained to protect and defend the subjects. The commonwealth, to Hobbes, is not served by separate orders or classes of people, as Plato would argue. 'In Plato, social order conceived as harmony was to be established between unequals and aimed at an all-encompassing conception of the good or virtuous life. What makes Hobbes so strikingly modern by contrast is that he proposes that the commonwealth is instituted to maintain an asocial peace between equals in a universe that reason knows only as matter in motion.'

Hobbes's *Leviathan* principle supported the theory of the divine nature of kings, who are answerable only to God. It would appear that it is this Hobbesean mentality that underpins Swaziland's conception of traditional authority and then, in turn, complicates the concept of national security. To the extent that the head of state is regarded as the embodiment of virtue, and as such inseparable from the state, Swaziland's dominant philosophy is Hobbesean. The head of state defines public order and determines the mechanisms for maintaining that order. The purpose of Parliament, and indeed of all state institutions, is to serve the head of state, and therefore, the state. The monarchy, in this regard, becomes the principle and the rule.

What happens then if this notion of, and dialectic between, state and head of state is no longer shared by the majority of the citizens? Should it be imposed and enforced with impunity? The doctrine of separation of powers presupposes that no one organ of state may hold sway and control over all others. Secondly, no organ of state may interfere in the operations of another. That means that, as a servant of the state, the king cannot be the state, for he is only transient and mortal, subject to imperfections and evil. Former monarchical states in Europe, and, to a lesser extent, in Africa, removed for various reasons the executive authority of kings, and retained only their symbolic functions. The dividend reaped was increased civil participation in the political community. Public officers executed delegated authority and were therefore easier to monitor and bring to order. It is these developments that have prompted scholarship on conflicts in Africa to suggest political systems that guarantee competition and periodic elections (see Abdulla Bujra 2002, pp 37-38). Competitive political systems ensure, among other things, extensive devolution of power; eradication of corruption of any nature in the political community; principles of good governance and the extensive involvement of civil society in the monitoring of policy and implementation and service delivery.

It can generally be argued that states develop policy for the purpose of dealing with friends and enemies. There are perceived benefits in adopting a particular policy. Most of these benefits have to do with self-preservation, survival and duplication. A state duplicates itself when its policy is positively copied and adopted by another in the whole economy of cementing bilateral relations. But in matters of national security, the primary motif is inward looking. There are perceived outside and inside threats that necessitate the formulation of a national security policy.

Whereas one agrees with Hobbes that states serve the function of defence against foreign and local injuries, one has to contend that as state power grows, the state may become a source of threat against its own citizens. The maximal model of state argues that the state is more than the sum total of its constituent parts, and as such, has interests of its own. Theoretically, therefore, the state stands above the purview of its citizens, but plays the role of protecting the same citizens (and itself) from both external and internal threats. The inherent danger is that the state can easily be detached from, and legitimately unresponsive to, the individual security needs of its citizens.

In the Swazi situation, the state manifests itself in the head of state, the King, who is the embodiment of national virtue in the Hobbesian sense. Everything else is therefore subordinated to the state. The head of state is automatically elevated to the position of an independent force that asks for opinions knowing that it will not be bound by them, for it demands total obedience. One of the interviewees for this study reasoned thus:

Therefore the national conception of security in Swaziland centres around the conservative ruling elite whose philosophy is to safeguard the King's authority and the attendant rituals like the Incwala, King's

birthdays and independence celebrations. All these and other ceremonies are for the ritualization of kingship which is the centre and axis of Swazi socio-political and religious life. Active security measures are taken to protect these ceremonies that extol the Head of State as custodian of Swazi ethos.

Rousseau's social contract would hold that since Swazi citizens accept their nationhood it follows that they agree to be subjects of the King. They must therefore confirm their nationhood by participating in all national ceremonies. By so doing they renew their allegiance and loyalty both to the head of state and to the state.

Nevertheless, as indicated in this study, the civil discontent that manifests itself in mushrooming formations and the declarations they make suggests that the idea of national security is strongly contested. On some occasions, the powers-that-be try to make concessions, however inadequate and clumsy, for the sake of maintaining the [false] peace and the make-believe sunshine policy that change in Swaziland is by national consensus. This study indicates that, in practice, national dialogue is more idealistic, and therefore ideological, than empirical. National policy on matters of security thus hinges on the ideology of domination first coined by Sobhuza II. Sobhuza philosophised that he had no enemies because he believed in dialogue. This has become Swaziland's quasi-national policy in matters of conflict resolution. Yet in reality, as another interviewee indicated, '... this is seldom the intention in Swaziland. Dialogue to us means monologue with *an italic 'd'*, for when issues are of a political nature, the monarchy resorts to heavy-handed tactics in order to deter dissenting opinion and deflate militant malcontents.'

Swaziland does not have a written security policy. It is assumed that every soldier will know what it is he must protect the minute the gun is thrust into his hands. Internal security policy is determined on a case-by-case basis, largely influenced by personal considerations.

An informant from the Intelligence Department of the Umbutfo Swaziland Defence Force (USDF) explained this point thus:

The head of state determines the approach to be taken whenever there is an internal security issue. The antagonizing forces are identified in terms of leadership and then appropriately targeted. As such it is not the issues these leaders raise that matter, but themselves as frontline players. Therefore, policy directives are engaged based on personalities rather than the issues at hand.

The processes followed in deciding security policy are as follows: First, the Commissioner of Police identifies a problem and gathers intelligence information to support his case. He then takes the matter to the King with all the facts he has obtained. The King summons the heads of the army and prisons, who, naturally, cannot hold opinions contrary to those of the Commissioner of Police. The King

then takes the matter to his various advisory bodies, most, if not all of which have no expertise in matters of security. The resultant action is taken based on the advice given by these advisory bodies. But it must be underscored that as Chief of Command the King takes charge of all operations in which the army is involved. The Defence Council exists only in name, according to most of the key people interviewed for this study. The rules of procedure for the council are neither here nor there. A well-trained senior soldier responded to the question on intelligence as follows:

Most national security related actions taken in this country are more reactive than proactive. This has largely been influenced by members' fears of being the harbinger of bad news. The system has an in-built tendency to shoot the messenger rather than address the issue. Therefore people are loath to offer proactive advice. In addition to this, such offer may show a relatively advanced knowledge of security matters which in turn may be interpreted as a threat by the powers-that-be.

Regionally, Swaziland's strategic position was seriously tested during the liberation wars waged by the ANC and Swapo in the 1970s and 80s. During that time the nine Southern African Development Coordinating Conference (SADCC) member states were involved in an economic campaign to reduce their dependence on the South African economy. R H Davies et al (1985) argue that the fact that Swaziland's governing clique had secret links with the apartheid leadership compromised the political independence of Swaziland to judge regional issues as a sovereign state. Secondly, the conservative nature of the Swazi political regime gave credence to a silent legitimization of the apartheid state.

The liberation movements were seen as a threat to Swaziland's peace and stability because of the political party motivations in the country. Finally, the SADCC and Frontline states made particular demands that Swaziland would find very difficult to accept. It was precisely for these reasons that prior to 1974 the Swazi regime consistently refused to give open support to the liberation movements, especially the ANC and Frelimo. There was no open support for Swapo either. The major reason for this position is, of course, the economic risk the country would have suffered if it had supported any war, particularly against South Africa. The SADCC option was not viable enough, nor was the South African Customs Union link that became high profile in the post-independence years. On the other hand, any open support of the apartheid regime would have been equally destructive. The Swazi monarchy was reluctant openly to denounce the activities of the ANC because it claimed that it was involved in the formation of the movement in 1912 and had retained some sentimental attachment to it. It should be noted that in the 1960s and the early 1970s there was less cooperation with the apartheid regime. For instance, in 1969, Swaziland signed the Lusaka Manifesto, which spelt out clearly

that South Africa had to be isolated save only when matters of power transfer in that country were to be discussed.

In 1970 Swaziland joined Lesotho, Ivory Coast and four other countries in abstaining from condemning Pretoria for the 'dialogue offensive' adopted by the John Vorster regime. Practically, the Swazi regime was opposed to the continued occupation of Namibia (the then South West Africa) in the face of numerous UN resolutions condemning it, and, surprisingly, South African refugees were received and tolerated. But as the war raged in the mid-1970s, the Swazi regime came under extreme pressure from Pretoria, which demanded that Swaziland impose restrictions on refugees 'and act with greater vigour against any real or imagined attempts by ANC guerrillas to traverse Swazi territory'. During this period the apartheid state was hell-bent on using its poorer neighbours to act as policemen for Pretoria. The dangled carrot was economic support, including various handouts and perks that would come with the proposed Constellation of Southern African states (Consas). Swaziland, like all the affected parties, refused to recognise the Consas. This led to a direct and cruel onslaught on refugees and alleged guerrillas in the region.

## CONCLUSION

As a kingdom that has vested all executive authority in the monarchy, Swaziland is unique in the SADC region. The system has been imposed by the monarchy itself, playing on the notion that tradition does not recognise power contests. However, increasingly, there are voices in the kingdom calling for the redefinition and re-conceptualisation of kingship and traditional authority. If the monarchy elects to remain in the mainstream body politic, how far can it accommodate these dissenting voices? Arguments based on tradition are of course dismissive of such voices because the King has unlimited political power and his authority is beyond challenge. As a result, much effort is wasted on attempts to silence the voices and on sponsoring the illusion that a king can also be an agent of meaningful change. The result is that any change is either deliberately gradual, and therefore irritating to the progressive elements, or non-existent, and therefore frustrating and confusing.

Swaziland needs to solve the fundamental issues raised in this study, namely, to shift 'tradition' from an ideology of domination to a shared value system in a transitory situation dictated by modern imperatives of an ideal society. Khumalo (1996) argues that a meaningful strategy on the route to a constitutional dispensation is to determine the nature of the interconnections between the traditional and modern structures in a particular unit. Once the links have been identified, the tensions caused by the competing elements of modernity and traditionalism may be minimised. Khumalo's proposition has been raised by several other voices since the 1996 project, but agreement on the best way to find appropriate definitions is neither here nor there. It would appear that if the ideological roles of tradition could be eliminated as the search for appropriate solutions continues, the process would be relieved of the excess baggage that results in stops, starts and false starts.

The voices calling for meaningful democratic change are growing louder, and the attention and role of the international community cannot be ignored. Recently the Commonwealth, the European Union, the International Bar Association and the International Commission of Jurists have sent missions to assess and report on the rule of law crisis in Swaziland. In addition, international and regional missions have been sent to assist in the constitution drafting exercise as well as monitoring the 2003 national elections, adding their voices to that of the ILO, whose interventions are cited in this study.

Swaziland might be in danger of being isolated by the international community. The diplomatic interventions of some SADC heads of state as well as the demands that will come from states participating in trade initiatives like those of Nepad are all indicators that if Swaziland continues to be intransigent and deceptive in the project of democratisation it might qualify sooner rather than later as a security risk to the region.

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