



**SWAZILAND:
A FAILED FEUDAL STATE**

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A FREEDOM HOUSE REPORT

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ABOUT THIS REPORT

The government of Swaziland denies its people basic human rights and conditions necessary for making a living, raising their children and escaping an early death. Swazis and their rich cultural heritage are at extreme risk due to the greed and depredations of their king, who is Africa's last absolute monarch. This report sets out the critical issues affecting Swaziland and recommends approaches for key stakeholders. Apart from generating discussion amongst those directly involved with the movement for democracy in Swaziland, this report is also intended to serve as a fact sheet for those who are new to Swaziland's issues.

Cover Image: Sikhuphe Airport, one of King Mswati's 'vanity projects', is located in a wilderness area 80 km from the closest urban center. Construction started 9 years ago, and the airport was initially projected to cost USD 84 million. Criticized for irresponsible use of public funds, the government defended the project saying it would increase tourism and generate tax income to help alleviate poverty. In 2013, the airport is still at least 3 years from being operational. Currently, the Swazi Finance Ministry admits to cumulative government expenditure on the airport totaling USD 315 million, and the cost is still rising. No commercial flight has ever landed at Sikhuphe, and a government engineer has found the runway to be defective. The airport is believed to be a vehicle for channeling government money into high level pockets.

KEY DATES

1903	British establish rule over Swaziland and the Transvaal
1944	Britain declares Sobhuza II as Native Authority in Swaziland
1964	Sobhuza II forms his own party, the Imbokodvo National Movement
6 September 1968	Swaziland becomes independent within the Commonwealth and adopts a new constitution
12 April 1973	Sobhuza II issues a proclamation rescinding the constitution, banning political parties and allocating all powers to the king
1978	A new constitution enshrines electoral representation by <i>tinkhundla</i> , constituencies of between 5 and 10 chiefdoms
21 August 1982	King Sobhuza dies at age 83 without a designated heir
1983	PUDEMO is founded by mostly students and other youth
25 April 1986	Makhosetive is installed as King Mswati III
1992	PUDEMO announces it is unbanning itself
1996	King Mswati announces a constitutional review commission
November 2002	Mswati buys a \$45m jet despite parliament cancelling the order
August 2005	After 8 years work, King Mswati signs a new constitution; the king is placed above all laws and there is no role foreseen for political parties
September 2008	A bomb explodes 1 km from the king's principal palace
November 2008	PUDEMO, SWAYOCO, SSN and other groups are proscribed as terrorist organizations under a new Suppression of Terrorism Act
April 2011	Police crack down on opposition ahead of planned demonstrations for political reform
November 2011	Swaziland is hit by a budget crisis described by the IMF as 'critical', with the government struggling to pay salaries
April 2012	TUCOSWA's registration is annulled
August 2013	King Mswati announces that God instructed him via a lightning bolt from a clear sky to rename Swaziland's government system as 'Monarchical Democracy'
20 September 2013	Elections for the Swazi House of Assembly

KEY FIGURES

1.2 million	Swaziland's population
19.82 years	Median age of Swaziland's population
40%	Swaziland government's estimate of unemployment
50%	Estimated unemployment of Swazis between 16 and 24 years old
75%	Portion of Swaziland's population dependent on subsistence farming
48 years	Average life expectancy in Swaziland
80%	Portion of the population who die before attaining 40 years
29%	Portion of the population infected with HIV
USD 28 million	Swaziland's annual health care budget (around USD 23 per person)
486%	Year on year increase in 2012 – 13 budgetary allocation for security equipment and supplies purchases
USD 3362	Swaziland's gross national income per capita
4 to 1	Difference between incomes of urban and rural Swazis
18%	Government wage bill as a % of Swaziland's GDP – highest in Africa
USD 92 million	Annual loss to GDP from the effects on the work force of chronic hunger in childhood
60%	Portion of Swaziland's economy controlled by King Mswati
USD 128 million	Swaziland government funds lost to corruption in 2012
55	Number of <i>tinkhundla</i> , Swaziland's electoral constituencies. Each of the <i>tinkhundla</i> includes between 5 and 10 chiefdoms
700 thousand	Number of Swazis who use mobile phones
90%	Portion of the Swazi population who are Christians
60%	Drop in SACU transfers to Swaziland from 2008 to 2011
USD 200 million	King Mswati's estimated personal wealth
11	Number of Mswati's palaces in Swaziland
27	Number of Mswati's children
14	Number of Mswati's wives and ex-wives
40	Number of years during which the Swazi kings have prohibited political parties from participating in elections

EXECUTIVE SUMMARY

Swaziland is a little-known country of 1.2 million people where the government has popularized photos of beautiful girls performing traditional dances for the king. These images both attract tourists and distract outsiders from Swaziland's shocking realities of oppression, abject poverty, hunger and disease. In actuality, Swaziland is a country in crisis where even the traditional culture risks extinction due to the absolute monarch's malfeasance. In our contemporary understanding of governance, no leader can have comprehensive immunity no matter what he does – seizing private and public property for his personal benefit, kidnapping pretty girls, imprisoning citizens who displease him and ordering assassinations. However under Swaziland's laws the king is immune from civil suits and criminal prosecution¹, and he can commit crimes with impunity. He is also the only judge of Swaziland's highest court of appeal.

Although the Swazi government boasts trappings of a modern state – a constitution and legislative, executive and judicial branches – the monarch, King Mswati III, chooses and controls all significant office bearers. These must obey his commands at all times. Elections occur, but political parties are banned from participating.² In the elections of September 2013, this ban will again ensure that the 'winners' will be fully under the king's control.

Trade unions previously enjoyed some influence, but more recently the national trade union congress has been officially 'deregistered'.³ Civil society activists must operate within constraints on rights of assembly, dissemination of information and public protest. Over the 45 years since independence, civil society has supported the institution of the monarchy but with constitutional restraints. However, as the present king increasingly has departed from Swazi kings' traditional responsibility to care for their subjects' welfare in favor of his own self-enrichment, opinion on continuing the monarchy in any form has divided.⁴

The Swazi government's budget has been largely funded by the Southern African Customs Union (SACU) which in some years has provided as much as 75 per cent of all government revenues. Perhaps as a result, the king has not learned fiscal discipline and has neglected the country's economic development. As SACU receipts fell by almost 60 per cent between 2008 and 2011, the government nearly ran out of funds to pay government employees' salaries. The king came under pressure from street protesters and international donors to implement economic reforms and allow representative government.⁵ Mswati rejected calls for reform and responded to street protesters with beatings and detentions. Subsequently, the king increased the numbers of police and soldiers and beefed up their stocks of combat equipment causing fears that more repression rather than reform is the king's plan for the future.

Human rights reports on Swaziland have cited serious abuses including killings by security forces; torture and beatings of pro-democracy activists; arbitrary arrests and interference with individuals' privacy; restrictions on freedoms of speech, assembly, association and movement; prohibitions on political activity and harassment of activists, labor leaders and journalists.⁶

Most Swazis do not have access to international media, and domestic media are controlled by the king who personally owns one of the country's 2 newspapers. The editor of the other newspaper

is in the king's employ. With the exception of a television station devoted to religious programs, radio and television are government departments under the king's control. South African newspapers entering Swaziland are carefully screened. If an edition contains information that is unfavorable to the king or the government, the government purchases and destroys all copies.⁷

An elite 10 per cent of Swazis accounts for nearly half of total consumption. The king's personal fortune is estimated at USD 200 million, and he controls 60 per cent of the country's economy. In 2012, the finance minister admitted that government corruption was annually channeling USD 128 million in public funds to the elite. The 2012 national budget allocated USD 26 million for royal allowances. The king also draws funds from ministry budgets at will.

Unemployment, officially at 40 per cent, and under-employment are chronic problems. Around 75 per cent of Swazis attempt to gain a living from subsistence agriculture, many in areas where human settlement is too dense for successful subsistence farming. Swaziland has the world's highest rate of HIV infection, and there are 200,000 orphans and vulnerable children, many of whom have no adult care givers. Yet for 2013–14, the government budgeted USD 28 million for health care for 1.2 million people - only a little more than USD 23 per person.⁸

The compromised health conditions of the Swazi people contribute decisively to a vicious cycle of poverty, hunger, sickness and early death. According to World Health Organization (WHO) data, Swazis have a life expectancy of 48 years, placing Swaziland near the bottom of statistics for all countries. 29 per cent of Swazi children under the age of 5 years are stunted. This is not a new problem; stunting has plagued the Swazi population for so long that sizeable numbers of adults are physically unable to perform the hard labor of subsistence farming due to the effects of under-nutrition which they experienced as children. 66 per cent of Swazis are unable to meet their basic food needs, and 43 per cent live in chronic poverty.⁹ Levels of impoverishment and joblessness will continue to increase as ever larger numbers of the burgeoning youth cohort attempt to find employment and encounter economic stagnation.

Rural extended family structures are breaking down under the burden of the social effects of disease epidemics: caring for the sick, financing burial of the dead, the absence of breadwinners and families headed by children or the elderly. Rural communities are experiencing a major structural deformation due to the lack of parents who can teach the young how to obtain life support from the land. The loss of knowledge about planting, tending, and harvesting crops; caring for and using draught animals and building and repairing traditional houses and animal pens is exacerbating already severe poverty and further increasing flows of indigent rural people into peri-urban shanty towns with related problems of breakdown of families, increased spread of diseases, substance abuse and rising criminality.

This desperate economic and social situation is the product of 40 years of incompetent and unrepresentative government. In that time, 2 despots have used Swaziland for their personal purposes while ignoring the needs of the Swazi people and their legitimate rights to have a say over how they are governed and how the country's resources are used.

RECOMMENDATIONS

For Swazi civil society

- Swazi civil society should set the agenda for democratic change in Swaziland. Swazi democrats must prepare for a long, hard struggle by building support for their mission among international organizations, foreign governments and organizations, media, businesses, professional and advocacy organizations and people of global note. Given the expected repeat of a government financial crisis, civil society should prepare to gain the full range of political and public relations advantages which the next financial crisis will offer.
- Civil society organizations with different political, religious or philosophical groundings should adopt an attitude of respectfully disagreeing while being able to form tactical alliances when these can help them move forward toward democratic goals.
- Civil society should begin now to lead the Swazi people in defining the reforms they want and the process that they favor in order to achieve them. Civil society should also make the message of democracy and human rights relevant to all Swazis by substantially expanding efforts to connect with Swazis in all regions and economic groups.
- Swazi civil society should get ready for pro-active engagement with the king. Engagement might not happen soon, but when it does, civil society must be ready to seize the initiative. Civil society should resist any attempt to impose a change process from above either by the king or SADC and the AU. If Swaziland becomes the subject of an imposed reform process, civil society should demand parity of representation with the Swazi government, should only join after receiving a mandate from the Swazi people and should enter the process with well elaborated proposals for genuine reforms.
- Of critical importance, Swazi civil society should insist on neutralization of all government security forces prior to agreeing to enter into negotiations.
- The sizeable investments in Swaziland of Coca Cola, Cadbury Chocolates and the Rhodes Food Group benefit from royal protection and provide the king with income. Civil society should examine these companies with a view toward either recruiting the companies as supporters for democracy and human rights or exploiting the companies' royal connections for advocacy purposes and for channeling pressure for reform through the companies to the king.
- International attention focused on Swaziland around the September 2013 elections offers civil society opportunities to address multiple audiences. Given the non-compliance of Swazi elections with Commonwealth standards, civil society should request a Commonwealth review of Swaziland's eligibility for continued membership. Civil society should work through African networks to preclude SADC and the AU from

endorsing Swaziland's sham elections. And civil society should deluge the international media with election related data and images.

- King Mswati habitually watches CNN, Sky News, BBC and Al Jazeera. Civil society should continuously provide information about Swaziland to these organizations to make sure the king sees that people everywhere know the problems his rule has caused for the Swazi people.

For the king

- King Mswati should begin to create relationships of trust with the Swazi people by revoking oppressive laws, stopping the looting of public coffers, releasing political prisoners, allowing political exiles to safely return, respecting Swazis' human rights and allowing pro-democracy groups, political parties and trade unions – including TUCOSWA - to organize and communicate freely with all Swazis.
- The king should set his own financial interests aside in promoting the development and expansion of the Swazi economy in order to build a foundation for the well-being of Swazis.
- The king should ensure that Swazi working people and businesses will continue to benefit after 2014 under the African Growth and Opportunity Act by instituting requisite human rights and governance reforms.
- The king should agree without pre-conditions to participate as an equal party with the Swazi people in negotiations to bring about accountable governance, the rule of law, respect for people's rights and allocation of national resources in the interest of the entire nation.

For SADC and the international community

- Foreign governments, most notably the governments of Swaziland's closest neighbors, and regional and international organizations should provide all possible support for the implementation of the foregoing recommendations.

HISTORICAL OVERVIEW OF SWAZILAND'S DICTATORSHIP

King Sobhuza's coup

Following 66 years of colonial rule, Swaziland became independent in September 1968. Leading up to independence, the UK administration introduced a Westminster style constitution providing for multiple political parties, a parliament modeled on the European prototype and a civilian executive to be formed by the majority party. Unwritten Swazi traditional law, which had operated in the colonial period parallel to the colonial administration's legal system, was left intact. Although colonial rule bequeathed no tradition of democracy to Swaziland, the new constitution offered a platform on which Swaziland could have initiated and nurtured democratic institutions.

The elderly Swazi king, Sobhuza II, mistrusted political parties and constitutional government, which he viewed as foreign imports incompatible with Swazi tradition.¹⁰ However in the final years of the colonial period, Sobhuza moved to protect the monarchy's interests by organizing his own political party, the Imbokodvo National Movement¹¹ which won all 24 parliamentary seats in pre-independence elections. Then, in the first post-independence elections, held in May 1972, the king's party received nearly 75% of the vote while another party, the Ngwane National Liberatory Congress (NNLC), won 20%, giving the party 3 seats. The NNLC leadership was made up of urban intellectuals most of whom favored continuation of the monarchy under a constitution. Sobhuza panicked, viewing the NNLC's small incursion into his power base as a significant threat.¹² In April 1973, he issued a proclamation revoking Swaziland's constitution, outlawing political parties, exempting the monarchy from legal accountability and granting the king absolute authority over all branches of government. The proclamation's core paragraph stated: 'Now THEREFORE I, SOBHUZA II, King of Swaziland, hereby declare that, in collaboration with my Cabinet Ministers and supported by the whole nation, I have assumed supreme power in the Kingdom of Swaziland and that all Legislative, Executive and Judicial power is vested in myself.' The full text of the proclamation is Annex 3.

In revoking Swaziland's democratic constitution, Sobhuza almost certainly had the support of the South African government.¹³ At that time, South Africa and western countries favored conservative African dictatorships which they viewed as bulwarks against the rise of socialist and nationalist political parties which were suspected of subservience to the USSR and China.

Sobhuza's coup was a bolt from the blue. In 1973, there was no internal or external threat to the Swazi government and conditions throughout the country were calm. It is likely that the king was motivated in staging the coup by fears that an opposition party might eventually grow to threaten the power of his Dlamini clan to control Swaziland's sources of wealth and to rule Swazis as they saw fit. Thus began a feudal dictatorship which now, 40 years later, is Africa's last absolute monarchy. In that period, Swaziland's anti-modern government, presided over by an unaccountable elite, has thwarted the country's development with devastating consequences for most Swazis.

The Royal Family

Mswati has married 14 girls and women of whom 3 have fled Swaziland. He has 27 children. Officially budgeted royal allowances currently are USD 26 million, but total costs of the royal family are top secret. Mswati and his wives reside in 13 palaces, and the king possesses at least 62 cars including a luxury DaimlerChrysler Maybach sedan which cost half a million dollars. Recently the king acquired an MD-87 aircraft capable of trans-continental flights. Photos of the king's automobiles and airplane are prohibited. The royal family are not strangers to scandal, both romantic and financial. In recent years two cabinet ministers have been caught in compromised circumstances with a royal wife and the Queen Mother while large sums of cash have reportedly been stolen by cabinet ministers, diplomats and royal princes. In the most blatant instance of theft, the son of the Equatorial Guinea dictator lost around USD 2.5 million in cash from his hotel suite while he was elsewhere in the hotel with a group of princes and princesses. Surveillance cameras recorded the theft, but nothing could be done. The thieves looked quite similar to certain princes.

By 1973, Sobhuza II had spent 7 decades at the pinnacle of the Swazi chieftainship structure. He was expert in wielding power according to Swazi tradition which holds that 'a king is a king by and for his people'.¹⁴ Sobhuza cultivated an image of a good father who protects and cares for his children. Nevertheless, Sobhuza did not hesitate to use his power to accrue gain for himself, his 65 wives and 100 children and a multitude of Dlamini kinfolk. However, during Sobhuza's reign, the monarch eschewed a lavish lifestyle that would have distanced the king and his court from Swazi commoners. Such discretion has not been the style of Sobhuza's successor.¹⁵

Mswati's troubled accession

Sobhuza II died in 1982 leaving no designated heir and conditions rife for intrigues and rivalries. Sobhuza named as Regent Queen Dzeliwe, an elder royal with a reputation for intelligence and high principles. The regent was soon engulfed by conflict as various senior princes vied for influence over selection of the successor. Although Swazi history and tradition provided guidelines for selection of a crown prince, history and tradition were shunted aside as a plot unfolded to designate as heir Makhosetive, a 14 year old illegitimate son of Sobhuza. The plotters had realized that further struggles among themselves might weaken the Dlamini's hold on power, and they assumed that Makhosetive's gratitude would assure them great rewards. Makhosetive's mother, a former cleaner in the house of one of Sobhuza's wives, was found in a Manzini working class neighborhood, separated from her non-royal partner and married to Sobhuza's corpse, thus legitimizing her probably bewildered son. Via this bizarre sequence of events, Ntombi Tfwala, a one-time teenaged servant, became queen regent in 1983. Her son, Makhosetive, became King Mswati III in 1986.¹⁶

Mswati was not prepared. His upbringing had not given him the customary socialization of a future Swazi king.¹⁷ Such socialization would have stressed the requirement to listen to all sides and to maintain equilibrium in Swazi society. Although he was sent to a British public school for a while before his accession to the throne, the greater part of Mswati's schooling occurred at an ordinary primary school. At the time of his installation, Mswati was a semi-literate teenager, unready to wield power and chosen specifically for his presumed vulnerability to manipulation. The schemers who entrusted Mswati with absolute power apparently did not foresee that the young

man one day might oppose their influence and do as he liked. Mswati's reign has been characterized by shameless greed for money and profound insensitivity to the sufferings of his subjects. He has paid scant heed to the tradition that a king is a king by and for his people.¹⁸

The meaning of absolute monarchy

An absolute monarch holds and exercises all power within a state. For most people today, the concept of ‘absolute monarch’ defies comprehension. In our contemporary understanding of the nature of government, checks and balances are essential features which assure that no person can decide everything, take whatever he wants and imprison or kill whomever he wants. But in Swaziland, the king is immune from law and can commit crimes without fear of punishment.

At first glance, Swaziland’s government appears to consist of the standard elements of a modern state. It includes a parliament, a judiciary and a cabinet supported by a civil administration. Yet there is no mechanism or institution of government that can limit the king’s powers. He is insulated from public opinion and citizen participation, and no state institution can alter his priorities, fight his corruption, restrict his abuse of power or challenge his authority to make appointments. Cabinet decisions must be synonymous with the king’s preferences. The parliament is devoid of any political space from which it might question the king’s expenditure priorities or policy decisions. Any judge, who in deciding a case impinges on a royal interest, can soon be dismissed.¹⁹

2005 Constitution: semantic tricks and confused authorities

King Sobhuza’s 1973 proclamation had the status of supreme law until 2005 when a new constitution came into force. For nearly 2 decades, various constitution drafting committees appointed by the king had attempted to find a workable compromise between absolutism and democracy. Absolutism won. The 2005 constitution, echoing the 1973 proclamation, elevates the king above the law. Legal immunity for serving heads of state is not uncommon in constitutional law, but it is usually accompanied by laws, regulations and practices that guard against infinite abuse of power. In the Swazi legal and political systems, there are no such safeguards.

In the 2005 constitution, unwritten Swazi customary law is accorded an equal status with Swaziland’s version of Roman Dutch law. The UN has offered Swaziland assistance with the codification of Swazi customary law, but this offer has not been accepted.²⁰ In exercising the powers of the chieftdom, it probably is convenient for the Dlaminis and their allies not to be bound by written statutes. Thus customary law relies on oral tradition and *ad hoc* decision making. In important matters, decisions are made by the king, sometimes together with his mother, a traditional prime minister and a royal advisory council. In matters of lesser importance, local chiefs decide along with their local councils. Chiefs are also permitted to make and enforce additional laws as they see fit. As a consequence, ordinary Swazis must contend with an uncertain legal framework in which people more powerful than themselves can make up the rules as they see fit.²¹

Proscription of multi-party democracy in the 2005 constitution is more subtle than the blunt wording of the 1973 proclamation. Following provisions of guarantees covering internationally recognized human rights, the constitution states: ‘The system of government for Swaziland is a democratic, participatory, *tinkhundla*-based system which emphasizes devolution of state power from central government to *tinkhundla* areas and individual merit as a basis for election or appointment to public office.’²² An *inkhundla* (plural *tinkhundla*) is a voting constituency made up of various numbers of chieftdoms. Swazi chiefs, who receive their authority directly from the king, exercise substantial powers over their subjects including the allocation of the agricultural

plots from which the majority of Swazis gain their livelihoods. With chiefs in control of elections, there can be little genuine freedom of choice.

A second obstacle to multi-party democracy contained in the constitution is the phrase 'individual merit'. Swazi executive branch authorities and judges of the Supreme Court have decided that this provision means that only individuals, not political parties, are entitled to participate in elections.

The role of the occult in sustaining royal power

Anthropologist Hilda Kuper's seminal research into Swazi culture conducted over 3 decades found that 'the existence of witchcraft and sorcery is considered self-evident.'²³ Kuper also wrote 'In the ancestral cult, the world of the living is projected into a world of spirits (*emadloti*). Men and women, old and young, aristocrats and commoners, continue the patterns of superiority and inferiority established by earthly experiences....Although the cult is set in a kinship framework, it is extended to the nation through the king, who is regarded as the father of all Swazi; his ancestors are the most powerful of the spirits.'²⁴ The linkage which Swazis accept between the living king and their dead ancestors' spirits is the deep foundation of Swazi monarchical power. Good and evil in the Swazi cosmology function as a struggle between the *umtsakatsi* (sorcerer) who "undermines the status quo and the *inyanga* (medicine man) who struggles to maintain it. Wedged between the chief and the *tinyanga* (medicine men) on the one hand and the *batsakatsi* (sorcerers) on the other, the masses are molded to accept a relatively unenterprising conservatism."²⁵

The 5 Swazi kings who preceded Sobhuza II all died in their prime. Kuper notes that Swazi tradition attributes all death to the effects of sorcery, and concern for the health and survival of the king has spawned elaborate ceremonies at which the king is treated with magic potions and spells with the purpose of strengthening the king against those who would seek to harm the king and the institution of the monarchy.²⁶

A previous US ambassador in Swaziland stated in a diplomatic report that occult practitioners, (*tinyanga*) and belief in *muti*, which includes charms and potions used to cast spells and curses, are important influences on Mswati's conception of his role and powers.²⁷ Musa Ndlangamandla, who during many years worked closely with King Mswati, said 'At the back of Mswati's mind, he knows he was not intended to be king. This might be the basis of his paranoia. The king is certain *muti* can kill him, and his life is dominated by fear. Mswati believes that he is imbued with a potent aura (*infukwana*), and part of the aura can be transferred to any person or object in Swaziland that he might touch. This is the reason why no Swazi may shake hands with the king. Also when Mswati has visited a Swazi's home, the chair where he sat must be taken away by the king's servants and destroyed. If not, the host could hire a witch to use the aura left on the chair to make *muti* and harm the king.'²⁸

Any suspected attempt to use *muti* to attack the king is taken very seriously and sets off procedures to sniff out and eliminate potential harm to the king. Ndlangamandla recalls a tediously long meeting when, as always, the king was seated in a comfortable chair and the other participants were seated on the floor. To alleviate his boredom, Ndlangamandla picked up a loose fiber from the carpet and twirled the fiber between 2 fingers. As the meeting ended,

Mswati ordered Ndlangamandla to stay, questioned him about the fiber and brought in a team of *tinyanga* to doctor the fiber and the place on the floor where Ndlangamandla had found it.²⁹

Large numbers of Swazis consider the king to be a powerful *muti* practitioner in his own right, and the king's close association with occult practices is an important pillar of his power.³⁰ Highly educated Swazi cabinet ministers crawl in the king's presence, and many rural people drop to their knees when they see the flashing blue lights of an official motorcade believing the king might be inside one of the cars.

Each year in December, the king enters into a month-long seclusion following the tradition of *incwala*. At a public level, *incwala* ceremonies commemorate the onset of the annual harvest and include events intended to bring together the population in seeking blessings from the spirits of their ancestors. Other *incwala* ceremonies involving cleansing and strengthening of the secluded king occur in deep secrecy. Only partial information about these ceremonies has leaked into the public domain. It is known however that during the *incwala* seclusion, the king must eat and drink without question whatever the *tinyanga* give him.³¹ In the previously quoted diplomatic report, the ambassador commented: "If they are unhappy with the direction the king is taking the country, then the king has cause to worry."³² The present king's grandfather, who is recalled as a violent and unbalanced man, is believed to have been poisoned during an *incwala* seclusion.³³

In 2011, a man using the name Sithembiso Simelane published online a detailed description of secret *incwala* ceremonies that he claimed to have witnessed as a royal brigade member. From a practical perspective, some parts of Simelane's description defy belief. However even if only a part of Simelane's bizarre and gruesome description is true, it would mean that governance in Swaziland is strongly influenced by a conviction that the king is constantly in danger from enemies seeking to use *muti* to control and even kill him and by the need to employ stronger *muti* to protect the king.³⁴

Tibiyo's Stranglehold on the Swazi Economy

From a survey of Tibiyo's recent annual reports together with the reports of companies in which it is invested, it was possible to estimate that Tibiyo controls around 60 per cent of the Swazi economy. Tibiyo Agriculture owns more than half of the entire Swazi sugar industry with a value exceeding USD 335 million. This includes a 53 per cent shareholding equity in the Royal Swazi Sugar Corporation, 40 per cent of Ubombo Sugar; 55 per cent of the Swaziland Sugar Association's assets, and substantial lands under cane cultivation. Tibiyo Estate Hotels and Hospitality owns 40 per cent of Royal Swazi Sun Group, the largest hotel group in Swaziland, and 100 per cent of Royal Villas. Tibiyo also has major holdings in shopping malls, other commercial properties and housing estates. Tibiyo Mining owns 50 per cent of the Dvokolwako Diamond Mining Company, 25 per cent of Maloma Coal Mining and 80 per cent of Langa Brick and Tile Manufacturing. Tibiyo Foods owns 40 per cent of Swazi SAB breweries and 26 per cent of Parmalat Milk and Cheese Processors. Tibiyo Shipping and Insurance Broking owns 41 per cent of Alexander Forbes Risk Management and 35 per cent of Manica shipping.

THE DEFORMED ECONOMY AND ITS CONSEQUENCES FOR SWAZI PEOPLE

With a gross national income per capita of USD 3,362, Swaziland is classified by the World Bank in the lower middle income category. Other countries in the same category include Nigeria, Indonesia and Ukraine. Swaziland is moderately endowed with iron, hydropower, coal and forests in addition to small gold and diamond deposits and excellent soil for sugar cane cultivation. Despite these advantages, from 2005 through 2013, except in 2009, Swaziland's average GDP growth was substantially lower than the Sub-Saharan Africa regional average.³⁵ Wealth distribution among the 1.2 million Swazis is uneven. An elite 10 per cent accounts for nearly half of total consumption. Forty per cent of Swazis are unemployed, and this figure does not take into account high levels of under-employment in subsistence farming.

In 2012, the WHO Global Health Observatory³⁶ reported that the median age of Swazis was 19.82 years with 38 per cent of the population under 15. The fertility rate of 3.4 children per woman was the highest in Southern African. However due to high mortality, annual population growth is 1 per cent. Around 75 per cent of Swazis work in subsistence agriculture on the 56 per cent of Swazi territory which is designated as Swazi Nation Land. Occupants of Swazi Nation Land do not have title deeds. The lack of tenured land ownership is a strong disincentive to investment and productivity.

Tibiyo Taka Ngwane and royal family dominance of the economy

King Mswati's personal wealth is estimated by Forbes Magazine at around USD 200 million. In addition, the king controls *Tibiyo Taka Ngwane*, a fund founded by his father allegedly for purchasing foreigners' interests in enterprises deemed essential to Swaziland's development. Every Swazi man was required to contribute, typically one cow. The founding charter, although never registered, defined Tibiyo as a national asset held by the king in trust for all Swazis each of whom was deemed to be a shareholder. Income from Tibiyo's present total worth of around USD 2 billion supports King Mswati, his dozen wives, their 27 children and those of the king's royal kinfolk whom he must placate in order to preclude their doing him harm. Like Mswati, Tibiyo is immune from taxation, civil suits and criminal prosecution. Over the past 45 years, Tibiyo has exploited its official status as a 'Swazi national empowerment vehicle' to acquire equity at nominal costs in key sectors of the Swazi economy.³⁷

The legal status of Tibiyo has been described as *ferae naturae*, a Latin term meaning "of a wild nature" like an animal running free in the forest and owned by no one. This is because Tibiyo and those who

control it cannot be held accountable by anyone or any authority. As a result of its unique status, Tibiyo's dominance in Swaziland's economy is invulnerable to competition. King Mswati ensures that the government's laws and law enforcement, regulations, budgeting and contracting all work in Tibiyo's favor while placing barriers against would be entrepreneurs who do not enjoy the king's protection.³⁸

Both Sobhuza and Mswati have dispossessed village people of lands which subsequently were folded into Tibiyo's business assets. One example is the sugar producing fields of the Royal Swaziland Sugar Corporation. These are located on highly fertile land previously occupied by prosperous communities which were forcibly relocated to a marginal farming area where they now live in poverty. Similarly, large areas in Big Bend which were developed into Tibiyo's sugar cane business were acquired by King Sobhuza through forced evictions without compensation. Mswati has seized people's homes, land and other properties without indemnifying the owners. In Swaziland, property is insecure, and rightful owners have no effective redress in the legal system which places the king above all laws.³⁹

International investors

In promoting international investment in Swaziland, the Swazi government boasts of labor costs at 1/3 the level of South Africa and a calm and secure business climate.⁴⁰ In an Independent Newspapers 'Business Report' issued in July 2013, 60 per cent of 400 firms chosen as a representative sample of the South African business community said they would not mind trading with Swaziland, although only 27 per cent of them do. The survey found that less than 10 per cent of the respondents would consider investing in Swaziland. Deterrents to investment were said to be political instability and an uncertain economic future. Most respondents avoided giving more specific reasons for their reluctance to invest in Swaziland. However one banker probably spoke for many when he said: "We can't openly discuss what is keeping Swaziland down, because it is governance. People are terrified to talk for fear of being labelled traitors and terrorists, which is what this government does with its critics, no matter how well meaning."⁴¹

Foreign companies wishing to enter Swaziland must bribe King Mswati with shares or cash in varying amounts depending on the potential for profitability of the proposed venture and the new business's possible impact on Mswati's own business interests. In return, investors who remain in good standing with the king can receive protection from competition.⁴²

The MTN saga, which is covered in detail in Annex 5, is an illustrative example of the extent to which the king will go to promote the profitability of a venture in which he has a stake. To boost MTN's profits, the state owned mobile phone operation, which offered Swazis lower rates than MTN, was put out of business by the prime minister acting in cahoots with the king. A month before the MTN scandal erupted into public view, 25 year old Princess Sikhanyiso Dlamini, King Mswati's eldest daughter, was appointed to MTN Swaziland's board of directors. A Swaziland based investment consultant commented: 'All big companies in Swaziland have to accommodate royal family members to their boards. The princess's appointment signals that the time has come for a new generation to enjoy that privilege.'⁴³

The Swazi government's financial crisis

Swaziland, along with 4 other Southern African countries⁴⁴, is a member of the Southern African Customs Union (SACU), a mechanism through which South Africa channels *de facto* economic assistance to its neighbors. In some years, SACU's annual transfers amounted to as much as 75 per cent of Swaziland's government revenues. Dependency on SACU allowed Swazi kings to ignore needs for fiscal discipline and economic development which would have increased the domestic tax base and could have improved the life conditions of ordinary Swazis. In SACU boom years through 2008, sizeable shares of SACU funds went into a build-up of government employment and wage increases for civil servants, helping dampen disgruntlement among educated wage earners who otherwise might have actively protested the lack of democracy and economic development.

The International Monetary Fund (IMF) repeatedly warned the Swazi government about over-reliance on SACU support and recommended spending reductions and diversification of revenue sources.⁴⁵ These warnings went unheeded. Then between 2008 and 2011 SACU receipts fell by almost 60 per cent resulting in severe liquidity shortages. At the time, the government wage bill was nearly 18 per cent of GDP, proportionately the highest in Africa. Swaziland's budget deficit for 2010 – 11 reached almost 13 per cent of GDP, and access to domestic borrowing disappeared as lenders lost confidence.

Threatened with bankruptcy, the Swazi civil administration tentatively agreed with the IMF on a Staff Monitored Program (SMP). The SMP agreement included requirements for the government to make financial management and political reforms and envisaged an intense fiscal adjustment amounting to a 5 percentage points of GDP reduction in the deficit in one year and relying mostly on wage cuts. The SMP assumed that the remaining deficit would be financed by domestic and foreign borrowing, including from the African Development Bank (AfDB). However, King Mswati refused to accept the stipulated reforms, the SMP faltered and the AfDB's budget support plans for Swaziland were put on hold.⁴⁶

In the first quarter of 2011, as the Swazi government began defaulting on some payments, concern about the government's ability to continue paying its employees' salaries sparked street demonstrations. Government authorities were nervous due to the then recent revolutions in North Africa, and they cracked down on protesters, using water cannons and raiding activists' homes. Human Rights Watch reported that the Swazi government was on the brink of disaster brought on by extravagant spending by the royal family, fiscal indiscipline and corruption.

King Mswati next sought a loan from the South African government which agreed to provide 2.4 billion South African Rand (USD355 million) in SACU advances tied to reform conditions proposed by a broad coalition of Swazi civil society organizations. The actual terms of the conditions were not made public, but their acceptance by the Swazi government would have entailed financial management and political reforms, probably including constitutional changes to permit political parties to participate in elections. As earlier with the IMF's SMP, Mswati rejected the reform conditions, and the loan amount was never paid out by the South African Treasury.⁴⁷

A financial disaster was averted in early 2012 when SACU suddenly transferred a windfall payment of R 700 million (USD 88 million) to the Swazi Treasury. SACU explained the reason

Civil society influences South Africa's response to Mswati's bailout request

In the midst of the financial crisis, Swazi civil society seized the initiative to exert influence on behalf of democratic change. As the South African government was considering King Mswati's urgent appeal for a bailout, almost all Swazi civic groups met and quickly agreed they would lobby the South African government with one voice to make any loan to Swaziland conditional on political and financial management reforms. The decision not to oppose the loan placed civil society on a high road. To have done otherwise would have positioned civil society as being in favor of government bankruptcy, a position they could not espouse given the consequences that bankruptcy would have caused Swazi people. The message civil society sent was fully relevant. Swaziland was in crisis due to incompetent leadership and bad financial management. Finally the decision by civil society to elect a single spokesman and entrust him to deliver their coordinated message ensured that civil society groups were not played off against each other.

for the windfall as a combination of past underestimates of Swaziland's share of regional customs receipts and a major upwards revision in estimates of future receipts. Introduction by the Swazi government of a 14 per cent value added tax (VAT) in 2012 brought in additional revenue, but its knock on effects on basic living costs further worsened the precarious life conditions of the poor.

The Swazi government's precarious fiscal future

Over the medium term, SACU revenues are projected to stabilize at about 15 per cent of GDP, a level notably below peaks of 20 per cent in 2009-10 and 23 per cent in 2012-13. Given the low volume of imports into Swaziland in 2011, SACU revenues in 2013-14 are expected to decline again, re-emphasizing the need for the government to increase income from other sources and control spending. However the government's only significant effort to broaden its revenue base has been introduction of the VAT, and VAT proceeds are inadequate to offset future reductions in SACU funding.

In their February, 2013 report on their then just concluded consultations with the Swaziland government, the IMF Executive Board 'cautioned that Swaziland's economic prospects remain difficult and that, without credible and comprehensive fiscal adjustment and structural reforms, the current fiscal and external position will be unsustainable over the medium term and subject to significant downside risks.'⁴⁸

As early as 2014, the Swazi government will most likely again face a fiscal deficit and an urgent need to reduce its wage bill. Any such action is likely to again spark protests to which the government will probably again respond with force, further damaging Swaziland's reputation for stability.

The consequences of unaccountable government for the Swazi majority

The International Fund for Agricultural Development has reported a widening gap in Swaziland between urban and rural development. 84 per cent of the country's poor live in rural and peri-urban areas, where per capita income is 4 times lower than in urban areas, and food consumption is 2 times lower. Traditional subsistence agriculture is failing due to worsening climatic conditions and farmers being too poor to purchase basic agricultural inputs and due also to a reduced farm labor force weakened by under-nutrition and decimated by disease. 66 per cent of the population is unable to meet their basic food needs, and 43 per cent live in chronic poverty. The current high levels of joblessness will continue to increase as ever larger numbers of the

burgeoning youth cohort reach working age and fail to find employment.⁴⁹

According to the UN Human Development Index, 29 per cent of Swazi children under the age of 5 years are stunted. Swaziland has a similar rate of stunting to other countries with less than half of Swaziland's per capita income. A survey in 2013 by the World Food Program and the Swazi Government found that Swaziland loses 3.1 percent of its gross domestic product (GDP), or some USD 92 million annually, from the long-term impact of chronic childhood hunger. Some 270,000 adults, or more than 40 per cent of the labor force, suffer from physical stunting as a result of chronic malnutrition in early childhood.⁵⁰

With a 26 per cent infection rate for persons between 15 and 49 years of age, Swaziland has the world's highest rate of HIV infection. 40 per cent of Swazi women who present at pre-natal clinics are HIV positive. In 2011, UNICEF reported that there were approximately 200,000 orphans and vulnerable children in Swaziland. According to Swazi government data, about 23 percent of Swazi children are orphans, most as a result of the HIV/AIDS epidemic. At birth, Swazis have an 80% likelihood of dying before the age of 40 years. According to WHO data, Swazis have an average life expectancy of 48 years placing Swaziland near the bottom of WHO statistics for all countries. This compares to an average life expectancy of 61 years in Botswana, which has also been hit by one of the world's worst HIV/AIDS epidemics but where accountable governance systems were better able to provide treatment and to promote disease prevention.

Society in Swazi rural communities has suffered a major structural deformation under the simultaneous burdens of caring for inordinate numbers of people afflicted by terminal diseases, financing burial of the dead, coping with the absence of able bodied workers and attempting to assist large numbers of children struggling to survive without adult care givers. The absence of adult parents who traditionally taught young people how to obtain life support from the land through planting, tending and harvesting crops; caring for and using draught animals and building and repairing traditional houses and animal pens has precipitously deepened rural poverty and increased already large flows of indigent rural people into peri urban slums causing further disintegration of families, epidemic spread of diseases, alcoholism and other substance addictions and rising criminality.

The desperate life conditions of the great majority of Swazis are similar to the fragile and threatened lives of victims of humanitarian emergencies stemming from natural disasters and armed conflict. However in Swaziland there is a permanent emergency due to the effects on the population of the greed of the royal family and exacerbated by ineptitude and malfeasance in the government.

UNCERTAIN LAW AND ROYAL PRIVILEGE

Judicial dependence

Swaziland's constitution grants the monarch immunity from law and powers to appoint and remove judges. The king's absolute authority over the judiciary renders the Swazi legal system hazardous for investors, attorneys and anyone who displeases the king. Twice during Mswati's reign, attorneys have boycotted the courts for lengthy periods in protest of royal interference.

The constitution stipulates that the chief justice should be a citizen of Swaziland⁵¹; however the king's appointee, Michael Ramodibedi, is a Lesotho citizen. When questioned about this conflict with constitutional law, the secretary of the Judicial Service Commission said there was no Swazi whose qualifications merited the appointment. Of course, Swazi jurists with the requisite qualifications were available, but these probably would not be as pliable as a foreigner on fixed term contract.

Ramodibedi previously was simultaneously employed as a judge in Lesotho, Botswana, the Seychelles, and Swaziland. When the Seychelles government learned of his many posts, his appointment there was revoked.⁵² Then, after he had become embroiled in controversies in Lesotho and Swaziland, his appointment in Botswana was not renewed. Ramodibedi has refused a request from the Lesotho prime minister to resign, and the prime minister has called for an investigation of Ramodibedi's conduct in office.⁵³

Ramodibedi has been very serviceable to King Mswati. When the king confiscated a Swazi businessman's hotel, the owner attempted to sue for compensation. Ramodibedi blocked the suit with an instruction to attorneys that no case against the king can be brought before any court. The Law Society called the instruction unnecessary pointing out that the constitution already granted the king immunity. Nevertheless, the point was clear. The chief justice's loyalty lay with the king and not with the constitution or with ordinary people who might seek justice from the courts.

In 2010, Judge Thomas Masuku, an internationally respected member of the Swaziland High Court bench, found in favor of Swazi villagers who sued to retrieve cattle which police had seized and placed in the king's herd. In his judgment, Masuku recalled that the king recently had appealed to Swazis to obey the law. He wrote 'It would be hard to imagine that his majesty could conceivably speak with a forked tongue, saying one thing and authorizing his officers to do the opposite.' Based on this sentence, Ramodibedi, acting as prosecutor and judge, found Masuku guilty of insulting the king,⁵⁴ who then ordered the justice minister to dismiss Masuku. When the minister hesitated, the king fired the minister and replaced him with a compliant prince who signed the dismissal notice. Needless to say, no judge who values his job would now risk a conflict with the chief justice.

In 2008 Mswati's unilateral decision to appoint Barnabus Dlamini to the post of prime minister was also a violation of Swaziland's constitution. Dlamini, who is known for corrupt land deals, was not qualified because he was not a member of parliament. Chapter VI, paragraph 67, (1) of the constitution states "The King shall appoint the Prime Minister from members of the House

acting on a recommendation of the King's Advisory Council." Several Swazis with access to the palace inner circle have characterized the appointment of Dlamini as having further strengthened Mswati's absolute hold on power.⁵⁵ Dlamini is known to readily carry out Mswati's instructions without question.

It is widely believed in Swaziland that Prime Minister Dlamini collaborates with the king in various illicit schemes designed to increase both the king's and the prime minister's personal wealth. In 2012, dealings by the prime minister and the king to exclude a lower cost mobile phone service from Swaziland in favor of MTN, in which both Mswati and Dlamini are shareholders, caused a public outcry that culminated in an unprecedented vote in the lower house of parliament of no confidence in the prime minister. In terms of the constitution, the king was legally bound to remove the prime minister. However both the prime minister and the king made a show of ignoring the no confidence vote and after a 12 day stand-off, parliament meekly rescinded the vote.⁵⁶ A fuller account of the MTN saga is at Annex 5.

Given the condition of rule of law in Swaziland, it is not remarkable that Swaziland is country number 123 out of 185 on the World Bank's 'Ease of Doing Business' rankings. It is telling that two constituent scores were even lower: 128 from 185 for protecting investors and 174 out of 185 for enforcing contracts.⁵⁷

Traditional governance in disarray

At least 80 per cent of Swazi people live in the 55 *tinkhundla*, each consisting of between 5 and 10 chiefdoms. The approximately 350 chiefs hold hereditary office with the king having responsibility for choosing the heir who succeeds to a vacant office. In Swaziland's polygamous traditional culture, often there are many heirs, and contests among heirs for appointment by the king have seriously disrupted many local communities.⁵⁸

The chiefs, as local representatives of the king, exercise administrative and judicial authorities in accordance with unwritten customary law. They are charged with allocating land to families, looking after the welfare of the people in their chiefdoms and maintaining law and order. Thus the economic and social well-being of an individual family is heavily dependent on the family's standing with the local chief. This aspect of Swazi rural life is a major factor in rural people's subservience to chiefs, and through them, to the king. The World Bank has criticized the power of chiefs stating that the poor systems of accountability and land management are among the most critical constraints to growth and poverty reduction in rural areas.⁵⁹

The customary legal system presided over by the traditional chiefs is empowered by the constitution to function parallel to the judiciary headed by the chief justice. However the constitution states only that "the powers and functions of the chiefs are in accordance with Swazi law and custom" and offers no clarity concerning the content of Swazi laws and customs. (Chapter XIV, paragraph 233) This lack of clarity provides ample cover for individual chiefs to interpret laws and customs subjectively and arbitrarily.⁶⁰

In further defining the position of the traditional chiefs within the dual legal system, the constitution states (chapter XIV, paragraph 233) that "chiefs are the footstool of iNgwenyama and iNgwenyama rules through the chiefs." (*iNgwenyama* is the siSwati language equivalent of

the title “king”.) Presently the footstool is wobbly and the Council of Swaziland Churches reports that nearly half of all Swazi chiefdoms are in dispute over who should be the rightful incumbents.

Denial of basic rights

In every year since 1993, Freedom House in its annual Freedom in the World report has rated Swaziland as “Not Free.”⁶¹ In 2012, the African Commission on Human and Peoples' Rights issued a sharp criticism of Swaziland's human-rights record, calling on the Swazi government to honor its commitments under international law with regard to freedom of expression, association and assembly.

The 2012 U.S. State Department Human Rights Report for Swaziland cited a list of serious abuses perpetrated by police, soldiers and other government agents. These included killings by security forces; use of torture, beatings and excessive force on detainees; arbitrary arrests and lengthy pre-trial detention; arbitrary interference with privacy and home; restrictions on freedoms of speech and press and harassment of journalists; restrictions on freedoms of assembly, association and movement; prohibitions on political activity and harassment of political activists; harassment of labor leaders and restrictions on worker rights.⁶²

The king's increasing reliance on security forces to maintain control

King Mswati is both commander in chief of the Umbutfo Swaziland Defense Force and Swaziland's minister of defense. Throughout 2011 and 2012, as the king was under pressure from Swazi activists to implement economic and political reforms, the army and police were employed against street demonstrations and to break up both public and private meetings. This included beating protesters and taking numerous activists into custody. One university student leader arrested at the time continues to be in detention in September 2013.

Reacting to the protests, the king substantially increased the security sector establishment and stocks of arms, munitions and equipment. *African Defense Magazine* reported that Swazi government spending on defense equipment in the budget year 2013 – 14 represents a more than 50 fold increase over the previous year. The figures are E 63.19 million (USD 6.8 million) for this year compared to E 1.25 million (USD 134.4 thousand) last year. The budget allocation of E 1.9 billion (USD 206.5 million) for the 3 security forces – army, police and correctional services - amounts to slightly more than 15 per cent of the total government budget of E 12.6 billion (USD 1.37 billion).⁶³ By comparison, the governments of Botswana and Lesotho allocated in their 2013 – 14 budgets around 9 per cent for security forces including military and police.

Swazi activists criticized the extraordinary security sector increases and said the increases are preparations for strong arm responses to public protests during the next government financial crisis. However a Swazi government spokesman said the increases are needed to fight cattle rustling on the Mozambican border, a hardly plausible excuse.

THE SWAZI DEMOCRATIC MOVEMENT

The operating environment: violations of freedom of association, assembly and expression

The status of political parties in Swaziland is confused by inconsistencies in laws and government pronouncements and by the government's distortion of language intended to delude outsiders into believing Swaziland is a democratic country. Political parties were banned by King Sobhuza's 1973 Proclamation, and this proclamation has not been repealed. However a more recent pronouncement by the Attorney General termed political parties as legal but prohibited from participating in elections. The Swazi constitution allows Swazis to participate in elections only as individuals.

As an absolute monarchy, the authority to govern is accorded to a king through inheritance and then distributed by the king to royal family members and others whom the king trusts to do his bidding. To challenge government authority constitutes an offence against the all-powerful king. Under such circumstances, pro-democracy civil society organizations, including trade unions and most political parties, must attempt to function in an environment where their rights and standing are never clearly defined. Organizations and individual activists are constantly under threat from the modern and traditional government structures, both of which are under the king's absolute authority. The king's agents can at will search premises, ban meetings, detain persons and use legal and extra-legal processes to remove activists from society. The authorities also employ censorship, interference with communications, confiscation and destruction of property, beatings, attacks with weapons and torture.⁶⁴

The situation of pro-democracy activists became greatly more difficult in August 2008 when the king signed into law the Suppression of Terrorism Act. The act does not clearly define the meaning of 'terrorist act' and therefore poses a constant threat to a broad spectrum of normal civil society activities. Amnesty International and the International Bar Association's Human Rights Institute found that 'the offences prohibited by the law are defined with such over-breadth and imprecision that they place excessive restrictions on a wide range of human rights, such as freedom of thought, conscience, and religion, freedom of opinion and expression, freedom of association, and freedom of assembly, without adhering to the requirements of demonstrable proportionality and necessity.' The act reverses the onus of proof with respect to allegations of membership in a terrorist group. Thus an accused person must prove he or she is not a member of a terrorist organization rather than the more usual condition whereby the prosecution would be required to provide conclusive evidence of membership. The law also places prior restraints on courts in reviewing government orders that proscribe organizations.⁶⁵

In September 2008 at a traditional gathering, King Mswati publicly endorsed suffocating dissidents and denying them all possibilities of earning a living. The king's call was especially significant for rural dwellers because the king, through local chiefs, controls the allocation of family home sites and agricultural land, the distribution of food relief and the award of scholarships without which large numbers of Swazi children and youths cannot attend primary and high schools and university. The king allows chiefs, all of whom owe their jobs to the king, to make up their own by-laws and to use the full might of the state to ensure compliance. Swazis

who speak out against royal and chiefly authority risk losing their homes and farm plots. These ever present threats cause most rural Swazis to be very cautious in what they do and say.⁶⁶

Late at night on 21 September 2008, 2 days after parliamentary elections, a bomb detonated near a bridge on the Mbabane – Manzini highway about 1 km from King Mswati's principal palace at Lozitha. Of the 4 men involved, 2 were killed by the bomb, one escaped and fled Swaziland, and the other, a South African, was apprehended, tried and is still imprisoned.⁶⁷

The bomb blast heightened tensions between the king and political activists, whom the king said would be eliminated. On 14 November 2008, the Peoples United Democratic Movement (PUDEMO), PUDEMO's youth wing, the Swaziland Youth Congress (SWAYOCO), the Swaziland Solidarity Network (SSN) and other groups were proscribed as terrorist organizations. Mario Masuku, the PUDEMO president, was arrested and charged with terrorism, as were 15 others, including the president of SWAYOCO. After a year in pre-trial detention, Masuku was acquitted of all charges by the Swazi High Court. Angered by this decision, the king moved decisively to gain greater control over the judiciary by appointing a pliable chief justice and eliminating independent minded judges from the bench. In 2013, PUDEMO, SWAYOCO and SSN continue to be proscribed, but PUDEMO leaders, including Masuku, go about their party business openly inside Swaziland. However the government prohibits large PUDEMO meetings.⁶⁸

Swazi civil society includes organizations that provide food and medical services to the poor and others that advocate for democracy and defend human rights. The former group usually avoids the latter due to their concerns about losing permission from the government to do their work. As a result, the organizations which help the victims of bad government feel they must avoid addressing the central cause of the problems of the people whom they assist. Some religious denominations sympathize with human rights advocates, but the vast majority of churches avoid association with organizations that promote democracy.⁶⁹

On 31 August 2013, King Mswati announced that a lightning bolt from a cloudless sky had brought him a command from God to introduce 'monarchical democracy' as a replacement for the present electoral system. Under this 'new form' political parties continue to be banned from taking part in elections and Swazi people continue to be authorized to vote only for a small number of the power structure's hand-picked candidates for the House of Assembly. The king will still choose the prime minister and other government officials, and all branches of the government will still be subservient to the king. In reality, only the name of the system changed.

One result of the uncertain legality of political parties is an absence of legislation in Swaziland governing aspects of political party life such as registration, regulation, funding and financial control.⁷⁰

Summary descriptions of civil society organizations

Political parties

As many as 10 political parties hope someday to be permitted by the government to present candidates for elections. Most of the 10 have few members beyond their own party officials, but

4 parties – PUDEMO, NNLC, the Sive Siyinqaba National Movement (also known as Sibahle Sinje) and the Swaziland Democratic Party (SWADEPA) – probably have followings of at least several thousand.

The NNLC, Swaziland's oldest still functioning party, draws its core membership from urban, educated Swazis. Its philosophical underpinnings are in Pan Africanism. NNLC's win in 1972 of 3 parliamentary seats prompted King Sobhuza's 1973 prohibition of political parties. NNLC demands the elimination of cultural practices of oppression and exploitation of the masses. NNLC and PUDEMO, which often are rivals for support from the same base, joined together to boycott the 2008 elections. NNLC is boycotting the 2013 elections.⁷¹

Although PUDEMO has been proscribed since 2008, it probably has the largest and broadest base of all Swazi parties. As the only active political party in Swaziland from 1983 to 1996, PUDEMO laid claim to the role of the sole legitimate voice of the Swazi opposition. This claim now has become an obstacle to broad cooperation among Swaziland's pro-democracy organizations. The People's Manifesto, which PUDEMO adopted in 1996, demanded the creation of a constitutional, multi-party democracy with an elected and accountable government. PUDEMO has longstanding relationships with the South African government alliance partners – the African National Congress (ANC), the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). PUDEMO is boycotting the 2013 elections.⁷²

The Sive Siyinqaba National Movement (Sibahle Sinje) was formed to push back against PUDEMO and shield Swazi culture from western influence. 'Sive Siyinqaba' means 'nation united' – by implication, around the monarch - and 'Sibahle Sinje' translates as 'we are beautiful as we are with our culture and traditions'. The party's aspiration to be seen as the monarchy's defender was complicated in its early years due to the king's opposition to the existence of political parties generally. By 2013 however, relations between Sive Siyinqaba and Mswati have improved. Prince Guduza, Mswati's half-brother, who was speaker of the House of Assembly in the most recent parliament, is part of Sive Siyinqaba's senior leadership. With the active encouragement of the Sive Siyinqaba leadership, members of the party are running as individuals in the 2013 elections.⁷³

SWADEPA, Swaziland's youngest party, was launched in 2011 by 2 well known agriculture workers union officials. SWADEPA's game plan is to win seats in the 2013 elections and then to break down barriers to multi-party democracy from inside the House of Assembly.⁷⁴

Non-governmental organizations

Around 70 organizations are affiliated with Swaziland's Coordinating Assembly of Non-Governmental Organizations (CANGO). Most of these organizations' work relates to humanitarian aid, and only a little more than 10 per cent of CANGO member organizations focus on democratic governance and human rights. Most notable among these are the Swaziland Coalition of Concerned Civic Organizations (SCCCO), the Swaziland United Democratic Front (SUDF) and the Swaziland affiliate of the Open Society Initiative for Southern Africa (OSISA).⁷⁵

SCCCO, which includes as its members professional and business organizations, labor federations, religious denominations, a media NGO and women's groups, is the broadest civic organization in Swaziland. By conducting civic education directed toward grassroots communities, SCCCO seeks to promote acceptance of basic democratic values and respect for human rights.

SUDF was formed in 2008 as a coalition of pro-democracy groups including political parties, unions and churches. The founding of SUDF sought to strengthen civil society unity and coordination among civil society groups. Increasingly SUDF has come to be viewed by those who do not support PUDEMO as a PUDEMO affiliate, and this perception has created tensions in civil society some of which have developed into disruptive fissures.

OSISA's vision is to promote the ideals, values, institutions and practices of open society with the aim of helping to establish vibrant and tolerant democracies in Southern Africa. OSISA supports advocacy on Swaziland issues and assists other organizations' project initiatives through grant making.

Religious denominations

Swazi Christians, who make up around 90 per cent of the population, are divided into 3 groups: about one quarter are congregants of old establishment churches such the Roman Catholics, Anglicans, Lutherans, Methodists, etc. which for the most part support democratic change; another quarter are Evangelicals whose interpretation of scripture prohibits involvement with politics; and one half are members of indigenous churches who overwhelmingly support the status quo. The general secretary of the Council of Swaziland Churches, which is mostly made up of the first group, said growing political awareness in the youth cohort presents a possibility that eventually the indigenous churches will find it necessary to adjust their pro monarchy position.⁷⁶

Trade unions

Unlike other pro-democracy groups, trade unions have had a legal basis from which to operate provided by various Industrial Relations Acts which have been in effect since before independence and which define rules for the collective negotiation of terms and conditions of employment and dispute resolution mechanisms. Reported figures of total trade union membership in all sectors exceed 100,000.

Swazi trade unions enjoy stronger international linkages than any other parts of civil society through their affiliation with the International Trade Union Confederation (ITUC). These linkages are powered and protected by International Labor Organization (ILO) conventions and the ILO's complaint system, through which Swazi trade unions have been able to bring international attention to abuses committed by the Swazi government. Over the past several years, Swaziland has been one of a small number of countries cited by the ILO for denial of rights guaranteed under ILO conventions. The ILO has repeatedly sent missions to Swaziland that have reported back on the government's non-compliance with an ILO convention as well as

crimes by government agents against union activists including intimidation, kidnapping, unlawful entry into and search of homes, torture and death while in detention.

The Trade Union Congress of Swaziland (TUCOSWA) was founded in March 2012 bringing together the 2 labor federations and the Swaziland National Association of Teachers (SNAT), Swaziland's largest union with 9,000 members. The association of SNAT with TUCOSWA was significant due to SNAT's organizational strengths and history of success in bringing out its members for strikes and public demonstrations.⁷⁷

At TUCOSWA's founding congress, a resolution was taken that 'the current system of Government in Swaziland is one that is undemocratic, repressive and dictatorial and that the Federation shall cause for a total boycott of the national elections in 2013 unless the elections are held under a multiparty system.' This was an openly political pronouncement. Many in civil society, including the SNAT president, objected to what they viewed as undue influence from one political party in the TUCOSWA leadership. They also objected to a decision by the TUCOSWA president to associate TUCOSWA with the Swaziland United Democratic Front (SUDF), which they perceive as a PUDEMO affiliate. The SNAT president, who says she adheres to the principle that labor unions should be independent of political parties, withdrew SNAT and its financial support from TUCOSWA.⁷⁸

IMPENDING CRITICAL JUNCTURES FOR CIVIL SOCIETY

The following is a list of probable future critical junctures for which Swazi civil society should prepare to exert influence.

2013 elections and the formation of a new government

Political party participation is not permitted, and the elections will be held under conditions which will ensure an undemocratic outcome. Civil society should facilitate a flow of factual information about the registration of voters, nomination of candidates, voting and appointment of a government by the king. The information should be addressed to the regional and international media, the SADC Secretariat, the African Union and the ACHPR, the IMF, the UN Human Rights Commissioner, Southern African governments and governments with diplomatic accreditation in Swaziland, including those based in Maputo and Pretoria. The electoral process in 2013 will not be made any more democratic as a consequence of these actions. However, elections do attract international attention and provide an opportunity once every five years for civil society to reach audiences that normally take no notice of abuses in Swaziland. Rather than an opportunity to change the king's behavior, civil society should view the elections as a chance to gain allies and win support for their cause.

Following these elections, King Mswati will be required to form a new government. Although it seems likely that Prime Minister Dlamini will return to office, five sitting ministers were not nominated during primary elections in August 2013, and four more have overstayed the maximum ten years in office. It is therefore likely that the makeup of the new cabinet will be quite different from the current one, presenting an additional opportunity for civil society to engage with new ministers who may be more open to discussing their demands.

Commonwealth

A Commonwealth observer mission will be present in Swaziland for the 2013 elections as was the case in 2008. Civil society should maintain close liaison with the observer mission. Given that the king has ignored the recommendations from the 2008 mission, civil society should explore with the observer mission openings for the Commonwealth to increase pressure on the Swazi government. The possibility of expulsion from the Commonwealth should be addressed. Swaziland's expulsion from the Commonwealth would be a serious blow to the image of the royal family, who enjoy receiving invitations to major British royal events.

International Labor Organization

At the ILO annual conference in June 2013, it was decided that the ILO will send yet another high level investigative mission to Swaziland. The principal purposes of the mission will be to look into TUCOSWA's deregistration and to put pressure on the Swazi government to abide by ILO Convention 87 on freedom of association. This will be an important opportunity for trade unions and other civil society organizations to involve foreign embassies, the media in South Africa and international human rights groups in following the progress and outcome of the ILO mission and incorporating the conclusions of the ILO in their Swaziland data bases.

Security sector build up

The Swazi government's security sector budget for 2012 – 2013 includes provision for an increase from ZAR 1.3 m (USD 162.5 thousand) to ZAR 63.2 m (USD 7 million) for durable equipment and materials – probably lots of arms and military machines – and an increase from ZAR 52.7 m (USD 6.6 million) to ZAR 96.3 m (USD 10.7 million) for correctional services. Civil society should investigate and publicize the intentions of the Swazi authorities for using these large increases. Civil society should also attempt to trace the origins of new military equipment coming into Swaziland and should consider launching an advocacy campaign highlighting that the arms are likely to be used for repression of fundamental freedoms. A central argument of this campaign should be that there is no armed resistance in Swaziland and so there can only be one purpose behind the government's bolstering its security sector: to intimidate and attack Swazi citizens who have legitimate grievances.

Youth unemployment

Around 530,000 Swazis are under 15 years old. Unemployment for the 16 to 24 age group is over 50 per cent. Very large numbers of youth have lost parents to disease epidemics and many of the older youth must care for younger siblings. As the under 15's enter the job market, there will be few jobs available. These circumstances are already an emergency for Swaziland, and civil society must seek assistance for youth and engage youth to channel their energies in support of peaceful and constructive change. By encouraging small-scale and relevant activities at the local level, civil society can involve young people in activities that hold meaning for them. In Africa, disillusioned youth are particularly at risk of becoming the foot soldiers for armed rebellions. It is vital that civil society organizations work to prevent that eventuality by engaging the youth in peaceful and constructive civic activism.

2014 – 2016 reduction in SACU transfers

It is widely anticipated that South African Customs Union transfers to Swaziland will decrease again in the period 2014 – 2016 and that this will cause another financial crisis for which the Swazi government will not be prepared. A full discussion of the role of civil society in such circumstances is included in the Recommendations section at the end of this paper. This includes recommendations for preparing for and dealing with a possible SADC intervention.

African Commission intervention

In 2012, 3 Swazi lawyers travelled to the African Commission on Human and People's Rights in Banjul, The Gambia where they presented compelling information on the troubling human rights abuses which have occurred and continue to occur in Swaziland. As a result of the Swazi lawyers' intervention, the Commission issued a strong condemnation in the form of an official ACHPR resolution on Swaziland. The full text of the resolution is Annex 4. Should the Swazi government fail to respond appropriately to this resolution, Swazi human rights activists have made preparations to file a formal case against the government which could potentially result in a judgment against Swaziland and even an official Promotional Visit by the ACHPR to

Swaziland. Such a visit would be an important opportunity for Swazi civil society to push for the government to make concessions on fundamental freedoms and human rights issues.

CONCLUSIONS AND RECOMMENDATIONS

Swaziland's gross national per capita income is USD 3,362. Nevertheless most Swazi people must go about their lives in desperate circumstances. Food security is a constant concern, and Swaziland has scored some of the worst rankings on world statistical tables in terms of HIV infection rates, average life expectancy, numbers of orphaned children, children whose growth is stunted and other indicators of the effects of grossly uneven income distribution. These problems each have multiple causes, but the king's overwhelming and unchecked corruption of government power underlies every one of them.

The economy of Swaziland is stagnant and structured to protect the king's personal business interests. Also, Swaziland's productivity has been compromised by the loss of a sizeable part of the workforce to disease and early death. Two years ago, King Mswati's government experienced a serious liquidity crisis, and the chance of an actual financial collapse in the short to medium term is still significant. King Mswati's ideas about how to fix the problems are naïve. In many cases they constitute fronts for corrupt schemes to increase his own personal wealth.

Swazi tourism authorities have succeeded in selling Swaziland as a fairy tale tourist destination with an exotic culture where thousands of bare breasted girls gleefully dance for the king. However, knowledge among foreigners of Swazi people's problems is growing, and pressures on the king have mounted over the past 3 years. His concern about negative reporting on Swaziland in international media is probably the reason for his reported obsession with news channels. High powered people and organizations, some capable of offering substantial assistance to Swaziland, have tried to convince the king that his unwillingness to recognize and act on the need for reform is untenable. Still, as is evidenced in his recent announcement of a vision from God, Mswati apparently believes he can continue to game both his critics and his supporters.

Throughout 27 years on the throne, Mswati's personal development has made him more rigid and more criminal. As he demonstrated during the financial crisis in 2011 – 12, he confuses brinksmanship for governance. His response to crisis has been to recruit more security forces and buy more weapons. Some members of the extended royal family are said to be embarrassed by Swaziland's status as a pariah in the eyes of the world, but they apparently are too satiated in their berths on the gravy train to do anything but complain in private. One of them has commented, almost nonchalantly, 'They're sitting on a bomb, but they're too stupid to know it.' Another has said: 'We feel Mswati will be the last king.'

In 2011, Swaziland's failure to uphold its responsibilities under the IMF's Staff Monitored Program showed that democratic change is anathema to Mswati. For him, his family and his cronies, the purpose of the government of Swaziland is to ensure their security and their hold on all necessary means to sustain their enjoyment of wealth and luxury. Perhaps due to a lack of education and sophistication, or perhaps because of Mswati's deep conviction that occult powers of curses, charms and potions are protecting him, there is no indication yet that he might recognize the seeds of his own self-destruction in his mismanagement of government and in his greed and selfishness.

This does not mean that there is no hope for change in Swaziland. Just across Swaziland's borders, South Africans and Mozambicans not so long ago faced brutal dictatorships and managed to bring democratic change to their countries. Civil society can plant and nurture seeds to grow a more open, equal and prosperous society. But Swazi civil society is beset with challenges from within. As it has struggled under the yoke of an oppressive regime, it has also found itself fighting within its own ranks. If in the future Swazi civil society is to have a decisive role in liberating Swazi people from oppression and poverty, civil society activists of different persuasions must learn the discipline necessary to:

1. stop imputing false motives against each other,
2. agree on an agenda for change and
3. take the initiative for leading Swazis toward achievement of democratic goals.

FREEDOM HOUSE RECOMMENDATIONS

For Swazi civil society

- Swazi civil society should set the agenda for democratic change in Swaziland. Swazi democrats must prepare for a long, hard struggle by building support for their mission among international organizations, foreign governments and organizations, media, businesses, professional and advocacy organizations and people of global note. Given the expected repeat of a government financial crisis, civil society should prepare to gain the full range of political and public relations advantages which the next financial crisis will offer.
- Civil society organizations with different political, religious or philosophical groundings should adopt an attitude of respectfully disagreeing while being able to form tactical alliances when these can help them move forward toward democratic goals.
- Civil society should begin now to lead the Swazi people in defining the reforms they want and the process that they favor in order to achieve them. Civil society should also make the message of democracy and human rights relevant to all Swazis by substantially expanding efforts to connect with Swazis in all regions and economic groups.
- Swazi civil society should get ready for pro-active engagement with the king. Engagement might not happen soon, but when it does, civil society must be ready to seize the initiative. Civil society should resist any attempt to impose a change process from above either by the king or SADC and the AU. If Swaziland becomes the subject of an imposed reform process, civil society should demand parity of representation with the Swazi government, should only join after receiving a mandate from the Swazi people and should enter the process with well elaborated proposals for genuine reforms.
- Of critical importance, Swazi civil society should insist on neutralization of all government security forces prior to agreeing to enter into negotiations.

- The sizeable investments in Swaziland of Coca Cola, Cadbury Chocolates and the Rhodes Food Group benefit from royal protection and provide the king with income. Civil society should examine these companies with a view toward either recruiting the companies as supporters for democracy and human rights or exploiting the companies' royal connections for advocacy purposes and for channeling pressure for reform through the companies to the king.
- International attention focused on Swaziland around the September 2013 elections offers civil society opportunities to address multiple audiences. Given the non-compliance of Swazi elections with Commonwealth standards, civil society should request a Commonwealth review of Swaziland's eligibility for continued membership. Civil society should work through African networks to preclude SADC and the AU from endorsing Swaziland's sham elections. And civil society should deluge the international media with election related data and images.
- King Mswati habitually watches CNN, Sky News, BBC and Al Jazeera. Civil society should continuously provide information about Swaziland to these organizations to make sure the king sees that people everywhere know the problems his rule has caused for the Swazi people.

For the king

- King Mswati should begin to create relationships of trust with the Swazi people by revoking oppressive laws, stopping the looting of public coffers, releasing political prisoners, allowing political exiles to safely return, respecting Swazis' human rights and allowing pro-democracy groups, political parties and trade unions – including TUCOSWA - to organize and communicate freely with all Swazis.
- The king should set his own financial interests aside in promoting the development and expansion of the Swazi economy in order to build a foundation for the well-being of Swazis.
- The king should ensure that Swazi working people and businesses will continue to benefit after 2014 under the African Growth and Opportunity Act by instituting requisite human rights and governance reforms.
- The king should agree without pre-conditions to participate as an equal party with the Swazi people in negotiations to bring about accountable governance, the rule of law, respect for people's rights and allocation of national resources in the interest of the entire nation.

For SADC and the international community

- Foreign governments, most notably the governments of Swaziland's closest neighbors, and regional and international organizations should provide all possible support for the implementation of the foregoing recommendations.

ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
AfDB	African Development Bank
ANC	African National Congress
AU	African Union
BBC	British Broadcasting Corporation
CANGO	Coordinating Assembly of Non-Governmental Organizations
CNN	Central News Network
COSATU	Congress of South African Trade Unions
EISA	Electoral Institute for Sustainable Democracy in Africa
FSEJ	Foundation for Socio-Economic Justice
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labor Organization
IMF	International Monetary Fund
INM	Imbokodvo National Movement
ITUC	International Trade Union Confederation
MTN	Mobile Telephone Network
NNLC	Ngwane National Liberatory Congress
OSISA	Open Society Initiative of Southern Africa
PUDEMO	People's United Democratic Movement
SACP	South African Communist Party
SACU	Southern African Customs Union
SADC	Southern African Development Community
SCCCO	Swaziland Coalition of Concerned Civic Organizations
SMP	IMF Staff Monitored Program
SNAT	Swaziland National Association of Teachers
SPTC	Swaziland Posts and Telecommunications Corporation
SSN	Swaziland Solidarity Network
SUDF	Swaziland United Democratic Front
SWADEPA	Swaziland Democratic Party
SWAYOCO	Swaziland Youth Congress
TUCOSWA	Trade Union Congress of Swaziland
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
VAT	Value Added Tax
WHO	World Health Organization
ZAR	South African Rand

ANNEXES

Annex 1. Detailed description of political parties, trade unions and civil society organizations operating in Swaziland.

Political parties

The status of political parties in Swaziland is confused by inconsistencies in various laws and pronouncements and by the government's distortion of language intended to delude outsiders – and perhaps themselves - into believing Swaziland is a democratic country. Political parties were banned through Proclamation No. 7 of 12 April 1973 issued by King Sobhuza II. (See Annex III.) This proclamation has not been repealed. The Swazi constitution permits Swazis to participate as individuals in nomination processes and elections, and this provision is interpreted by government authorities as a prohibition of participation by political parties.

On 14 August 2007, King Mswati declared that political parties remained banned. In April 2008, the Chairman of the Elections and Boundaries Commission, Chief Gija Dlamini, reiterated that political parties were unlawful and would not be permitted to take part in the 2008 House of Assembly elections. However in July 2008, in arguments put to the High Court, Attorney General Majahenkhaba Dlamini said that political parties were legal, but not permitted by law to participate in elections. In the lead up to the 2013 elections, Chief Gija has stated in very telling language that 'The owners of the country have clearly stated that people will stand for elections in their individual capacities and not through political parties.'

Late at night on the fourth day following the 2008 elections, 4 men detonated a car bomb near a bridge located in the vicinity of the Lozitha Palace, the Swazi king's principal residence. The incident caused tension between the government and political activists, who refused to condemn the bombing outright. Subsequently King Mswati said that political activists, whom he called terrorists, would be eliminated. The Suppression of Terrorism Act which had been signed into law by Mswati on 7 August 2008 was used on 14 November 2008 to outlaw a number of groups as 'terrorist organizations'. The banned organizations included the Peoples United Democratic Movement (PUDEMO), PUDEMO's youth wing, the Swaziland Youth Congress (SWAYOCO), and the South African-based Swaziland Solidarity Network. Mario Masuku, the PUDEMO president, was arrested and charged with terrorism, as were 15 others, including the president of SWAYOCO. Masuku refused bail to force the government to move to trial, and he was detained on remand for over a year. At the trial, the evidence presented against him by the state was so weak that the judge found that there was no case to answer. In 2013, PUDEMO continues to be proscribed under the Suppression of Terrorism Act. Presently the PUDEMO leadership, including Masuku, go about their party business openly in Swaziland. At times they are harassed by the authorities, and at other times they appear to be tolerated.

One result of the uncertain legality of political parties is an absence of legislation in Swaziland governing aspects of political party life such as registration, regulation, funding, and financial control.

Ngwane National Liberatory Congress (NNLC)

The NNLC was formed in the 1960s by western educated Swazis whose political ideas were influenced by Pan Africanism. The NNLC served as the main opposition party to King Sobhuza II's Imbokodvo National Movement. After the NNLC won 3 seats in parliamentary elections in 1972, Sobhuza outlawed political parties and severely persecuted NNLC party leaders some of whom, including the NNLC's president Dr. Ambrose Zwane, went into exile in Tanzania. Some other NNLC leaders were co-opted and moved into high positions in Swazi government. Eventually the exiled leadership returned to Swaziland, and in 1997 the party reorganized itself. Dr. Zwane's funeral in 1998 turned into a political rally leading to a revival of the NNLC and the adoption of a new constitution.

As an African nationalist party, the NNLC seeks support from the same constituency as PUDEMO. Under the leadership of Obed Dlamini, a former prime minister who was elected NNLC president in 1998, the NNLC adopted a more conservative position than PUDEMO. NNLC and PUDEMO formed a united front together with civic organizations and student groups to promote a boycott of the 2008 elections. The two parties have had ties with the same trade unions, business associations and civil society bodies. The NNLC shares similar objectives with PUDEMO, but couches its pronouncements in more moderate language.

The NNLC's stated objectives include:

Liberation of the citizens of Swaziland from a mentality that accepts the status quo, docility, and abuse of the people in the name of culture and traditions;

Eradication of all forms of discrimination on the basis of ancestry, race, language, creed, sex, social standing, physical impairment, etc. and the creation a democratic society in which all have equal opportunities of self-advancement and realization;

Restoration of a multiparty democratic political dispensation with a constitution which protects the freedoms of all Swazis, i.e. freedoms of association, assembly, expression etc. as defined in the UN Universal Declaration on Human Rights; and

Promotion of national unity and consciousness in the whole nation by bringing about harmony between the people and the traditional leaders including elimination of cultural practices which serve to oppress and exploit the masses.

The NNLC includes separate wings for women and youth. The party has a substantial membership within the Swaziland National Association of Teachers (SNAT), and the current SNAT president, Sibongile Mazibuko, is a former NNLC national treasurer.

Although the NNLC formally boycotted the 2003 and 2008 elections, its president Obed Dlamini participated. Under the current NNLC president, Dr. Alvit Dlamini, a medical practitioner, the NNLC has announced that it will boycott the 2013 elections.

People's United Democratic Movement (PUDEMO)

PUDEMO was founded in 1983 by university students, and the party has continued to attract support from Swazi youth. Over the years, it has been most active in schools, the University of Swaziland and the industrial sector. Despite its proscription as a terrorist organization in 2008, PUDEMO has a larger and broader political base in comparison to Swaziland's other political parties.

PUDEMO was the only active political party in Swaziland between 1983 and 1996, and the absence of a credible alternative opposition party contributed to the growth inside PUDEMO of an attitude of being the sole legitimate voice of the Swazi opposition. This attitude unfortunately has spawned among some PUDEMO leaders and members a posture of intolerance toward other parties and activist organizations. PUDEMO has as a principal strategy the boycotting of elections. Other parties and NGOs that favor participating in elections as a tactic come in for harsh criticism from some PUDEMO activists.

PUDEMO became better known to the broader Swazi public in 1989 when the party circulated pamphlets in the urban areas criticizing the Swazi aristocracy. Then in 1990, senior PUDEMO members were accused in a high profile treason case. This case contributed to publicizing PUDEMO's activities and objectives and broadened its support base. PUDEMO led opposition to a 1991 commission that reviewed the tinkhundla system.

In February 1992, PUDEMO announced that it was unbanning itself, and that it would henceforth operate openly in Swaziland. The party launched a campaign of civil disobedience in January 1996 that demonstrated that it had an urban mass base among intellectuals, students, and workers. In May 2003, PUDEMO declared that its members would defend themselves with force from violent acts by government. The inflammatory language of the declaration stopped just short of calling for an armed struggle to overthrow the Swazi government.

PUDEMO's constitution provides for multiple structures, including wings for women and youth. The People's Manifesto, which was adopted at PUDEMO's 4th general congress in 1996, emphasized the need to create a constitutional multi-party democracy with an elected and accountable government, and to promote economic growth, development, and the empowerment of citizens through a mixed market economy. Land administration should be placed in the hands of the state to ensure access to land and security of tenure and to avoid landlessness and squatting. The state should promote job creation and high levels of employment through partnerships with labor and capital. The manifesto also demanded universal compulsory education, respect for the right to life, primary healthcare that is free or subsidized by the state, tertiary healthcare that is affordable and the provision of shelter for all and especially for the disadvantaged. The manifesto also called for the promotion and development of Swazi culture and the observance and protection of basic human rights and the end of state repression.

PUDEMO's structures and alliances in youth organizations, trade unions, and civic groupings have been involved in contestations for prestige, space, and resources with other political parties and activist organizations. These contestations have resulted in disagreement within and among civil society groups and political parties and have most probably worked to the advantage of the king and his supporters. Recently, the chances for the newly formed Trade Union Congress of Swaziland (TUCOSWA) to develop into a broad-based union federation have been weakened

due to a combination of sabotage by the Swazi government and PUDEMO's influence over TUCOSWA's leadership.

PUDEMO has established solidarity relationships with the African National Congress (ANC), the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). PUDEMO was the only Swazi political party invited to the ANC national policy conference in December 2012.

PUDEMO will boycott the 2013 elections. On the question of a future form of government for Swaziland, Mario Masuku has said recently this will be decided at a time in the future when the people of Swaziland will be free to express their will.

Sive Siyinqaba - Sibahle Sinje

Sive Siyinqaba – Sibahle Sinje was initially launched as a cultural group with the objective of protecting Swazi culture from western influences and pushing back against PUDEMO. The name 'Sive Siyinqaba' means 'nation united' (implying that it is united around the king) and 'Sibahle Sinje' means 'we are beautiful as we are, with our culture and traditions'.

The party initially campaigned to discredit PUDEMO as a threat to the institution of the monarchy and to influence Swazis to reject demands for reforms advocated by other political parties. The attempt to position Sibahle as the defender of the institution of the monarchy was complicated by the king's opposition to the existence of political parties generally and to a conflict between the king and the Sibahle Sinje secretary general, Marwick Khumalo, whom the king suspected of being in a relationship with one of his wives. King Mswati's opposition to Sibahle Sinje was so strong that he even fired his long-time private secretary and political advisor, Sam Mkhombe, when he suspected Mkhombe of having a connection with Sibahle. Mkhombe is now a Sibahle public relations officer. The enmity between King Mswati and Khumalo reached an open confrontation in 2004 when Khumalo was elected speaker of the House of Assembly and the king instructed him to resign as speaker or else leave parliament. After a short stand-off, Khumalo resigned the speakership.

Sibahle Sinje has continued to make positive overtures towards the king and cabinet. Relations between the two camps have improved to the point whereby the idea of setting up a rival royal political party, in response to Sibahle Sinje, appears to have been abandoned by the royal family. Prince Guduza, one of Mswati's half- brothers and the most recent House of Assembly speaker, is part of Sibahle's senior leadership. During the 2013 elections, it is expected that Sibahle will receive support from traditional authorities and the government.

Despite the ban on the participation of political parties in elections for the House of Assembly, Sibahle hoped to field candidates in 30 of the 55 tinkhundla constituencies.

Swazi Democratic Party (SWADEPA)

SWADEPA was formally launched on 24 September 2011. It is Swaziland's youngest political party, but the party president and secretary general, Jan Sithole and Archie Sayed, are both well-known figures with a support base in the Swaziland Agricultural, Plantations and Allied Workers Union (SAPAWU). Sithole also has longstanding connections to international labor bodies and

to African Union and UN organizations. He is experienced in leveraging these connections against the Swazi government.

SWADEPA has emerged with an agenda for political participation in the 2013 elections as a challenge to the Swazi establishment. SWADEPA's slogan is 'ngeke sibayekele', connoting 'On to them! We will be all over them and no space must be given away.' This might resonate well with Swazis who have not seen benefits from election boycotts and who are frustrated with the country's political impasse.

SWADEPA sees itself as a party that can break barriers. It reasons that leadership should be about exerting influence, and it says that those who are absent have no chance of exerting influence. In anticipation of the September 2013 elections, SWADEPA was focusing its efforts on the promotion of universal suffrage through civic education aimed at persuading all Swazis to register to vote. SWADEPA states it has members in all constituencies. They see registration as important because once a significant number of Swazis are registered it will be possible to determine the strength of support for the different parties and platforms. SWADEPA's president states that the party's overall strategy is to exploit the officially sanctioned undemocratic processes to push Swaziland in a more democratic direction.

Inter-party relationships

Ideologically there are only minimal differences between PUDEMO and NNLC. Weightier differences are due to personality clashes in competition for the title 'liberator of Swaziland'. Both PUDEMO and NNLC have the same position on non-participation in voting. Absent the liberator title competition, there could be a better working relationship between NNLC and PUDEMO than either could have with SWADEPA or Sibahle Sinje.

There appears to be some chance that PUDEMO and NNLC might reach agreement on a framework of cooperation leading to the restructuring of the Swaziland United Democratic Front (SUDF) to accommodate the concerns of NNLC. SUDF is a civil society umbrella group with the publicly declared purpose of unifying all the voices for change in Swaziland. There is however a strong perception that SUDF is dominated by PUDEMO affiliated trade unions and civil society groups. This perception of SUDF as PUDEMO's cat's paw was strengthened by the recent decision of the Executive Committee of the newly formed Trade Union Congress of Swaziland (TUCOSWA) to join SUDF despite opposition from one of TUCOSWA's main members, the Swaziland National Association of Teachers, whose president is a former NNLC office holder.

Given SWADEPA's policy of participation in the upcoming elections, and due to a history of enmity between the SWADEPA and PUDEMO leaders, it is unlikely that SWADEPA will be invited to join SUDF or would join if invited.

Sibahle Sinje and SWADEPA are both chasing the same constituency – one that hopes to assure the king that the monarchy's needs and interests would be protected under any future administration governed by them.

Although the SWADEPA president, Jan Sithole, was previously a high profile labor leader in Swaziland, SWADEPA has of yet gained support from only one trade union, SAPAWU. Both

Sibahle Sinje and SWADEPA have failed to attain Southern African regional endorsement and support whereas PUDEMO has strong support from the South African Congress Alliance. However, in this regard Sithole has a clear advantage over the Sibahle leaders. Over many years he has been widely known in Southern Africa and beyond as a crusading Swazi labor leader and he probably can still benefit from contacts that he formed during that time.

Given the relative strengths of SWADEPA among workers and Sibahle among traditionalists, it seems probable that each will win seats in the next parliament. The fact that the other two more prominent and established parties will not participate will help both SWADEPA's and Sibahle's chances. Of course the value of party members holding parliamentary seats might not be very high. Although Sibahle and NNLC members are among MPs in the current parliament, they have not functioned as party caucuses, and it seems unlikely that the authorities would permit a political party caucus to operate in the next parliament. Also, the ability of parties to hold onto their MPs will be tested by the monarchy's ability to distribute cash and favors. Sibahle has indicated that royal largess has enticed Sibahle MPs in the current parliament away from the party.

SWADEPA acquired Danish Socialist Party funding for its campaign, and the party has devoted considerable effort to train its candidates. This means SWADEPA candidates will probably be better prepared for the polls compared to Sibahle candidates. *Civil society organizations*

In *Consolidating Democratic Governance in the SADC Region: Swaziland*, (Electoral Institute of Southern Africa, 2008), Patricia Joubert, Zwelibanzi Masilela, and Maxine Langwenya described the degree of effectiveness of civil society in Swaziland as follows: 'Civil society in Swaziland is weak, fragmented and largely unable to access and influence decision making procedures both at national and local levels.... This generalization is particularly true for elections and electoral matters.' Regrettably, this assessment continues to be valid 5 years later.

Trade unions

Membership numbers reported by the Swaziland Federation of Trade Unions (SFTU) rose to 83,000 workers in 21 unions covering a broad spectrum of occupations ranging from agriculture, construction, mining, and manufacturing to employment in banking, tertiary educational institutions, town councils and the public service. The Swaziland Federation of Labor (SFL) which broke away from SFTU in 1994 reported it had 12 affiliates and 20,000 members in manufacturing, IT, retail, finance, media and other occupations.

Like other pro-democracy groups in Swaziland, trade unions have been forced to operate in an environment of repressive laws, hostile government attitudes and state sponsored violence. However unlike other pro-democracy groups, trade unions have had a legal basis from which to operate provided by various Industrial Relations Acts which have been in effect since before independence and which define rules for the collective negotiation of terms and conditions of employment and dispute resolution mechanisms.

Swazi trade unions have also benefitted from international connections through their affiliation first with the International Confederation of Free Trade Unions and, beginning in 2006, with the ICFTU's successor, the International Trade Union Confederation (ITUC). These linkages are

powered and protected by an international legal framework, based on International Labor Organization (ILO) conventions and the ILO's complaint system, which have provided the Swazi trade union movement with opportunities of bringing international attention to abuses committed by the Swazi government.

Over the past 5 years, Swaziland has been one of a very small number of countries placed under a special paragraph in annual reports of the ILO. A special paragraph is the ILO's most stringent sanction against a government. Swaziland continues to be cited for denial of rights guaranteed under ILO convention 87 (Freedom of Association and Protection of the Right to Organize), which Swaziland has ratified. The ILO has repeatedly sent missions to Swaziland that have reported back on the government's non-compliance with convention 87 as well as crimes by government agents against union activists including intimidation, kidnapping, unlawful entry into and search of homes, torture and death while in detention.

The ILO's annual International Labor Conferences in Geneva have placed Swaziland government delegates in an unaccustomed position of having to sit quietly and listen to Swazi activists' criticisms of the government's policies and actions. In 2002 during an ILO conference, a Swazi government delegate, a senator from the upper house of parliament, publicly threatened the secretary general of the Swaziland Federation of Trade Unions.

TUCOSWA

The Trade Union Congress of Swaziland (TUCOSWA) was founded in March 2012 bringing together the SFTU and the SFL and including also the Swaziland National Association of Teachers (SNAT), Swaziland's largest union with 9,000 members. The association of SNAT with TUCOSWA was significant due to SNAT's organizational strengths and history of success in bringing out its members for strikes and public demonstrations.

At TUCOSWA's founding congress, a resolution was taken that 'the current system of Government in Swaziland is one that is undemocratic, repressive and dictatorial and that the Federation shall cause for a total boycott of the national elections in 2013 unless the elections are held under a multi-party system'. This was an openly political pronouncement. Some in civil society, including the SNAT president, objected to what they viewed as undue influence from one political party. They also objected to a decision by the TUCOSWA president to associate TUCOSWA with the Swaziland United Democratic Front (SUDF), perceived as a PUDEMO affiliate. The SNAT president, who said she adheres to the principle that labor unions should be independent of political parties, withdrew SNAT and its financial support from TUCOSWA, leaving the federation in a precarious financial situation. Subsequently, the SNAT president's decision to withhold funds from TUCOSWA has sparked disagreements within SNAT that have weakened SNAT.

The Swazi government issued TUCOSWA with a registration certificate on 25 January 2012. Following TUCOSWA's boycott resolution at its March congress, on 4 April the Attorney General advised the Swazi Commissioner of Labor that the registration of TUCOSWA was annulled. The Attorney General stated that TUCOSWA was not a trade union organization as envisaged by the Industrial Relations Act and further that the Act does not provide for the registration of federations. The latter point was specious in that other federations, including the Federation of Swaziland Employers, have long been registered under the same act.

Since April 2012, the Swazi government has not reconsidered the decision to deregister TUCOSWA, and labor leaders expected TUCOSWA will continue to be in limbo through the 2013 elections. At present, there is no national labor centre recognized by the government of Swaziland, and as a result tripartite negotiations structures cannot function. TUCOSWA complained to the ILO that the government's denial of the freedom of association 'has reached a point that has not been reached before'.

Non-governmental organizations focusing on democratic governance and human rights

Around 70 non-governmental organizations are affiliated with the Coordinating Assembly of Non-Governmental Organizations (CANGO). The official regime governing NGOs has been described by Joubert, Masilela, and Langwenya as 'loose'. NGOs are under the administrative ambit of the Ministry of Home Affairs; however they are required to register with the Ministry of Justice and Constitutional Affairs. Registration is governed by Section 21 of the Companies Act of 1912. Only a small number of the registered NGOs focus on democratic governance and human rights.

Coordinating Assembly of Non-Governmental Organizations (CANGO)

CANGO initially focused on health care, but its constitution was amended in 1987 to encompass all NGOs working in development, which includes work on democracy, human rights and the rule of law. CANGO's current programs emphasize building NGOs' capacity to engage the Swazi government on policy. CANGO's vision is 'An empowered and vibrant civil society for social justice'.

In 2003, CANGO led the formation of an NGO Electoral Support Network consisting of 15 Swazi NGOs. In partnership with the Johannesburg based Electoral Institute of Southern Africa (EISA), the Support Network recruited and trained 108 Swazi election observers to cover all constituencies during the 2003 elections. This was an important manifestation of an appropriate role of civil society in elections. Then there was a set-back during the 2008 elections when the Swazi Elections and Boundaries Commission limited accreditation to only 10 observers.

The CANGO director stated that 5 CANGO affiliates are active in democracy and governance work. The director wants to encourage more organizations to join CANGO's Human Rights and Governance Consortium. Current Consortium affiliates are the Council of Swaziland Churches, the Media Institute of Southern Africa, Women in Law in Southern Africa, the Young Women's Network and Save the Children. The director is critical of civil society for neglecting to offer more civic education courses for rural people relating to democracy and human rights. He hopes to attract organizations to join the Consortium from among NGOs that focus on agriculture and HIV/AIDS.

Some CANGO members, including the Swaziland Red Cross, World Vision, Population Services International and the Swaziland Conference of Churches keep their distance from democracy and human rights activism. Donor prohibitions on foreign aid recipients forbidding them from taking positions on Swazi political matters create a barrier to some organizations from getting involved in civic education for their clients. Despite the obvious linkages between the conditions which humanitarian projects address and the lack of accountability of governance in Swaziland, many organizations continue feeding the hungry and caring for the sick without addressing the root

causes of poverty and extreme neediness. The CANGO director commented that in current conditions of limited political awareness among the general population, particularly rural people, many recipients of humanitarian aid view the aid as a gift from the king.

Swaziland Coalition of Concerned Civic Organizations (SCCCO)

The rule of law crisis in 2003, along with a growing socio-economic crisis, led to the founding of SCCCOC bringing together the Federation of Swaziland Employers and the Chamber of Commerce, the Association of the Swaziland Business Community, the Federation of Trade Unions, the Federation of Labor, religious denominations, the Law Society of Swaziland, the Swaziland National Association of Teachers, Lawyers for Human Rights and the Swaziland chapter of the Media Institute of Southern Africa as well as women's groups and other non-governmental organizations. The Coalition is the broadest civic organization in the country, and it has a capacity to reach a wide spectrum of Swazi people. SCCCOC seeks to listen to and be responsive to the grassroots while promoting acceptance of basic democratic values and respect for human rights.

SCCCOC offers support to all political parties which seek to achieve democracy through peaceful means. The Coalition believes that the key need in Swaziland is the empowerment of people through civic education that allows for all voices and opinions to be heard. Ideally, every view should be openly debated and contested, and the people should be able to decide what course of action makes the most sense for their country.

All Swazi political parties are based in urban centers, and rural people usually have not been well represented in political discourse. With a view towards assuring a better urban-rural balance in political discourse, SCCCOC works to expand contacts with rural people and to provide civic education aimed at helping disadvantaged people learn skills for acquiring and exerting influence in their home communities.

SCCCOC seeks to sustain an integrated approach in all levels of its contacts built upon community engagement and education; national and international advocacy campaigns; and promoting unity, focused engagement and mobilization within and among all pro-democracy organizations.

SCCCOC's coordinator is a respected Swazi elder with contacts at multiple levels throughout Swaziland. He contributes a weekly column on governance and related issues to the *Times of Swaziland*, the country's most widely distributed newspaper.

Council of Swaziland Churches

The Council of Swaziland Churches, formed in 1976, includes 9 denominations of mainstream Christian churches such as the Anglicans, Methodists, and Lutherans. The Council's general secretary stated that Swazi Christians, who make up around 90 per cent of the population, are divided roughly among 3 groupings: one quarter are in the Council's member churches, one quarter are in Evangelical churches, and one half belong to independent churches which are indigenous to Swaziland and Southern Africa. The general secretary stated that Evangelicals refuse to become involved in political issues because their interpretation of scripture views

government as divinely installed and not to be challenged. The general secretary estimates that most pastors and members of the 9 Council affiliated denominations would favor multi-party democracy for Swaziland while 90 per cent of independent church pastors and a majority of their members would oppose multi-party democracy. He cautioned however that the rapidly growing size and importance of the youth cohort in the Swazi population present an opportunity for a major shift in these positions in the direction of greater support for multi-party democracy.

The Council of Swaziland Churches is a fellowship of the World Council of Churches. The vision of the Council of Churches is to enable member churches to develop themselves, their communities, and their nation spiritually and physically in a just and sustainable way. Its mission is to further the unity of God's church as a body of Christ by developing strategies that will enable the membership to advocate for justice and peace in all circumstances and dealings.

Swaziland United Democratic Front (SUDF)

The Swaziland United Democratic Front was formed in 2008 as a coalition of pro-democracy groups including political parties, unions and churches. The founding membership included PUDEMO, NNLC, Swaziland Federation of Trade Unions, Swaziland Federation of Labor, Swaziland National Association of Teachers, Swaziland National Union of Students, Swaziland Association of Students, Swaziland National Ex-Miners Workers Association and the Coalition of Informal Economy Association of Swaziland. The founding of SUDF was the result of a growing conviction that in order to create a strong civil society that could work actively for democratization and poverty eradication, there would have to be more unity and coordination among the civil society organizations of Swaziland. SUDF aims to increase the space for democratic participation for and by the socio-economically and politically marginalized people of Swaziland. SUDF is generally viewed as a PUDEMO affiliate, and this perception has negatively affected SUDF's success in bringing about unity in Swazi civil society.

Open Society Initiative for Southern Africa (OSISA)

Established in 1997, OSISA has projects in 10 southern Africa countries including Swaziland. The organization's work in each country is different according to local conditions and needs. OSISA is part of a network of autonomous Open Society Foundations located in Eastern and Central Europe, the former Soviet Union, Africa, Latin America, the Caribbean, the Middle East, Southeast Asia and the United States.

In Swaziland, OSISA collaborates with other organizations on issues surrounding the rule of law, democracy building, human rights, economic development, education, the media and access to technology and information. OSISA's varied activities share a common goal of reducing poverty, HIV/AIDS and political instability.

OSISA's vision is to promote and sustain the ideals, values, institutions and practices of open society, with the aim of establishing vibrant and tolerant southern African democracies in which people, free from material and other deprivation, understand their rights and responsibilities and participate actively in all spheres of life. OSISA's approach involves looking beyond immediate symptoms in order to address deeper problems focusing on changing underlying policy, legislation and practice. Depending on issues and circumstances, OSISA supports advocacy work by its partners in Swaziland or joins partners in advocacy on shared objectives and goals.

In other situations, OSISA directly initiates and leads in advocacy interventions. OSISA also intervenes by facilitating initiatives and partnerships, through capacity-building and through grant-making.

Foundation for Socio-Economic Justice (FSEJ)

FSEJ was founded in 2003 as an umbrella organization with a primary vision of initiating broad civic education programs to encourage democratic participation and raise awareness on human and constitutional rights among the rural population of Swaziland. The primary goal of FSEJ is to help build a solid and unified, mass based democratic force. FSEJ is active in civil society networks that focus on social, political and economic issues. FSEJ also works together with the following strategic partners: Lawyers for Human Rights, Swaziland National Union of Students, Swaziland Economic Justice Forum, Street Vendors Association, Swaziland Labor Academy and Swaziland National Ex-Mine Workers. FSEJ maintains a strong working relationship with the Swaziland United Democratic Front.

Church Forum on HIV and AIDS

The Church Forum works with church programs to assist victims of HIV / AIDS and orphans and to provide education for community service in support of support groups and home based care. The Forum supports 90 church based neighborhood care points throughout Swaziland which help HIV/AIDS victims through food resources development and psychosocial support. The Forum presently is working toward the construction and staffing of 35 permanent neighborhood care point structures to be distributed throughout the 4 regions of Swaziland.

Constituent Assembly of Civil Society in Swaziland

The director of the Church Forum is also the convener of the Constituent Assembly of Civil Society in Swaziland which includes both NGOs and political parties with the aim of offering Swazi opposition groups opportunities to talk together about eventual talks with government authorities and to prepare the opposition for actual dialogue with the authorities when this becomes possible.

Two noteworthy Swazi civil society organizations work outside Swaziland. They are:

Swaziland Solidarity Network (SSN)

The SSN originally consisted of Swazi opponents of the regime, mostly affiliated with PUDEMO, and South African activists and freedom fighters who came to know the problems of Swaziland while being based there during the struggle for freedom in South Africa. SSN, which has been proscribed in Swaziland, operates from Johannesburg as a repository and distributor of news and opinion relating to Swaziland and particularly to the misdeeds of the king and the government.

Swazi Diaspora Platform

The Swazi Diaspora Platform was launched in 2011 with its principal aim being to give all Swazis based outside Swaziland a space for reflection, engagement and open dialogue about the situation in Swaziland. It seeks to coordinate communication by Swazis in the diaspora and

others who wish to share ideas including defining specific roles that can be assumed by the diaspora community. The Diaspora Platform's website states that it shall 'create a space for constructive and coordinated action for Swazis in the diaspora to engage, reflect and reach out towards contributing to alternative sustainable development models in Swaziland. This shall be done through promoting a culture of human rights, people-centered-development and respect for the environment.' The Platform is based in Johannesburg and Nelspruit.

Annex 2. Tibiyo Taka Ngwane's holdings in the Swazi economy

Tibiyo's operations are secretive, but the limited information available in Tibiyo annual reports reveals the extraordinary reach which Tibiyo has achieved throughout Swaziland's economy. Tibiyo Agriculture owns about 55% of the entire Swazi sugar industry which is estimated to be worth more than E3 billion. Tibiyo has a 53 per cent shareholding equity in the largest sugar group, Royal Swazi Sugar Corporation; 40 per cent of Ubombo Sugar; 55 per cent of the Swaziland Sugar Association assets, and substantial lands under cane cultivation in Big Bend, Tshaneni, Simunye, and Mhlume.

Tibiyo Estate Hotels and Hospitality owns and controls 40 per cent of Royal Swazi Sun Group, the largest hotel group in Swaziland, and 100 per cent of Royal Villas. Tibiyo also owns 40 per cent of Bhunu Mall, 25 per cent of Simunye Shopping Plaza, and various housing estates and commercial properties.

Tibiyo Mining owns and controls 50 per cent of the Dvokolwako Diamond Mining Company, 25 per cent of Maloma Coal Mining, and 80 per cent of Langa Brick and Tile Manufacturing.

Tibiyo Foods owns and controls 40 per cent of Swazi SAB breweries and 26 per cent of Parmalat Milk and Cheese Processors.

Tibiyo Shipping and Insurance Broking owns and controls 41 per cent of Alexander Forbes Risk Management and 35 per cent of Manica shipping.

Annex 3. Full text of the 1973 proclamation**PROCLAMATION TO ALL MY SUBJECTS - CITIZENS OF SWAZILAND**

1. WHEREAS the House of Assembly and the Senate have passed the resolutions which have just been read to us.

2. AND WHEREAS I have given consideration to the extremely serious situation which has now arisen to our country and have come to the following conclusions:

(a) that the Constitution has indeed failed to provide the machinery for good government and for the maintenance of peace and order;

(b) that the Constitution is indeed the cause of growing unrest, insecurity, dissatisfaction with the state of affairs in our country and an impediment to free and progressive development in all spheres of life;

(c) that the Constitution has permitted the importation into our country of highly undesirable political practices alien to, and incompatible with the way of life in our society and designed to disrupt and destroy our own peaceful and constructive and essentially democratic methods of political activity; increasingly this element engenders hostility, bitterness and unrest in our peaceful society;

(d) that there is no constitutional way of effecting the necessary amendments to the Constitution; the method prescribed by the constitution itself is wholly impracticable and will bring about that disorder which any constitution is meant to inhibit;

(e) that I and all my people heartily desire at long last, after a long constitutional struggle, to achieve full freedom and independence under a constitution created by ourselves for ourselves in complete liberty without outside pressures; as a nation we desire to march forward progressively under our own constitution guaranteeing peace, order and good government and the happiness and welfare of all our people.

3. Now THEREFORE I, SOBHUZA II, King of Swaziland, hereby declare that, in collaboration with my Cabinet Ministers and supported by the whole nation, I have assumed supreme power in the Kingdom of Swaziland and that all Legislative, Executive and Judicial power is vested in myself and shall, for the meantime, be exercised in collaboration with a Council constituted by my Cabinet Ministers. I further declare that, to ensure the continued maintenance of peace, order and good government, my Armed Forces in conjunction with the Swaziland Royal Police have been posted to all strategic places and have taken charge of all government and all public services. I further declare that I, in collaboration with my cabinet Ministers, hereby decree that:

(a.) The Constitution of the Kingdom of Swaziland which commenced on the 6th September, 1968, is hereby repealed;

(b.) All laws with the exception of the Constitution hereby repealed, shall continue to operate with full force and effect and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this and ensuring decrees.

Annex 4. Full text of the 2012 ACHPR resolution on Swaziland

Swaziland has been the subject of several resolutions of the African Commission on Human and People's Rights, the most recent of which was passed in May 2012. The resolution text follows:

'Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Underscoring the provisions of the African Charter, in particular; Articles 9, 10, 11, 13, and 18(3), as well as other international human rights instruments, including the Universal Declaration of Human Rights (UDHR) the International Covenant on Civil and Political Rights (ICCPR), and the Protocol to the African Charter on the Rights of Women in Africa;

Deeply Concerned about allegations of the violation of the right to freedom of expression, freedom of assembly, and freedom of association which, if true, may affect the conduct of free, fair and credible elections in 2013;

Further Concerned about the allegation of the violations of the rights of workers as seen in the de-registration of the recently formed Trade Union Congress of Swaziland (TUCOSWA) by the Office of the Commissioner of Labor acting on the advice of the Attorney General of the Swaziland Government;

Alarmed by the failure of the Kingdom of Swaziland to implement the decision of the African Commission in Communication 251/2002- Lawyers for Human Rights v Swaziland, and the recommendations in the report adopted by the African Commission following a promotional mission to the country in August 2006;

i. Calls on the Government of the Kingdom of Swaziland to respect, protect and fulfil the rights to freedom of expression, freedom of association, and freedom of assembly as provided for in the African Charter, the UDHR, the ICCPR and other international and regional instruments;

ii. Calls on the Government of the Kingdom of Swaziland to implement the decision of the African Commission in Communication 251/2002- Lawyers for Human Rights v Swaziland and submit a report on the status of implementation;

iii. Calls on the Government of the Kingdom of Swaziland to implement the recommendations in the report adopted by the African Commission following a promotional mission to the country in August 2006;

iv. Further urges the Government of the Kingdom of Swaziland to take all necessary measures to ensure the conduct of free, fair and credible elections in 2013.'

Annex 5. Description of the MTN saga and the no confidence vote

The appointment in 2008 by King Mswati of Barnabus Dlamini, who was not a member of parliament, as prime minister was another of King Mswati's violations of the constitution. Chapter VI, paragraph 67, (1) states that 'The King shall appoint the Prime Minister from members of the House acting on a recommendation of the King's Advisory Council.'

In October 2009, the parastatal Swaziland Posts and Telecommunications Corporation (SPTC) proposed to sell its 51 per cent holding in Mobile Telephone Networks (MTN) Swaziland in order to raise funds to expand SPTC's mobile network coverage in the country. SPTC's plans were blocked, reportedly by the king who wanted to protect the Swaziland mobile phone market for MTN. The king also was reported to block a deal for the sale of SPTC's MTN shares so he could increase his holdings in MTN while purchasing SPTC's shares at a lower cost.

In 2012, Prime Minister Dlamini, also an MTN shareholder, ordered SPTC to switch off its Fixedfones and data components which left thousands of people with expensive and useless gadgets and without mobile phone service. The prime minister claimed that he was required to take this action by Swazi and international court decisions, but the facts did not support his claim. SPTC's tariffs were lower than those of MTN, its only licensed competitor in Swaziland.

The elimination of SPTC from the Swazi mobile phone market effectively forced the nearly 700,000 Swazis who rely on mobile phones to use MTN's more expensive service. A public outcry reverberated in the lower house of parliament, the House of Assembly, which on 3 October 2012 passed a vote of no confidence in the prime minister and the cabinet by more than the constitutionally prescribed 2/3rd majority of all members of the House. This was the first and only no confidence vote since the 2005 constitution came into effect.

Chapter VI, paragraph 68, 1 (e) of the constitution states that 'after a resolution of no confidence in the Prime Minister is passed by at least two thirds majority of the members of the House, the King removes the Prime Minister'. However the prime minister did not resign and the king did not dismiss him.

Prime Minister Dlamini was reported in the Times of Swaziland as saying, 'We will just ignore the vote of no confidence and carry on with our business as usual.' The attorney general, Majahenkhaba Dlamini, declared the no confidence vote 'null and void', and Brigadier Fonono Dube of the Umbutfo Swaziland Defence Force told media that the Constitution was worthless because it had not been formally presented to the United Nations.

Civil society activists called for the prime minister and cabinet to resign, accusing ministers of violating the Constitution and undermining the rule of law. The Federation of the Swazi Business Community backed the call for the government to resign stating 'This Cabinet has no mandate to govern, is not fit for purpose and it must do the honorable thing and go immediately before it damages Swaziland any further.' A Federation spokesman said 'The introduction of these new services brought real competition into the telecommunications sector. This enabled ordinary people to begin to afford to communicate more and the business community to access new markets and improve their services, competitiveness and profitability. As one of the poorest countries in the Southern African Development Community region, we had long suffered from monopoly pricing and were charged the highest rates for [communications] services.'

After 12 days of stand-off and following threats and bribes directed towards MPs, the House voted to rescind its no confidence vote. A month before, 25 year old Princess Sikhanyiso Dlamini, King Mswati's eldest daughter was appointed to MTN Swaziland's board of directors. A Swaziland based investment consultant commented: 'All big companies in Swaziland have to accommodate royal family members to their boards. The princess's appointment signals that the time has come for a new generation to enjoy that privilege.'

ENDNOTES

¹ The Constitution of the Kingdom of Swaziland, July 26, 2005, Chapter II, 11, ‘Protection of the King and iNgwenyama in respect of legal proceedings.’ ‘The King and iNgwenyama shall be immune from: (a) suit or legal process in any cause in respect of all things done or omitted to be done by him; and (b) being summoned to appear as a witness in any civil or criminal proceeding.’

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³ ‘Swaziland: Update – Industrial court rules in favour of de-registering Trade Union Congress of Swaziland’, Front Line Defenders, March 4, 2013, <http://www.frontlinedefenders.org/node/21878>

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⁵ For a detailed account of the Swazi government’s 2011 financial crisis, see African Development Bank, ‘Swaziland 2012’, <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Swaziland%20Full%20PDF%20Country%20Note.pdf>

⁶ For more on human rights in Swaziland, see Freedom House, Swaziland – Freedom in the World 2013, <http://www.freedomhouse.org/report/freedom-world/2013/swaziland>

⁷ Freedom House interview with former Swazi Observer editor Musa Ndlangamandla, Johannesburg, September 2, 2013.

⁸ For a discussion of Swaziland’s financial problems, see Christopher Vandome, Alex Vines and Marcus Weimer, ‘Swaziland: Southern Africa’s Forgotten Crisis’, Chatham House, London, September 2013, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/0913pr_swaziland.pdf

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¹⁰ Freedom House interview with Professor P.Q Magagula, Kwaluseni, Swaziland, March 11, 2013.

¹¹ The siSwati word ‘imbokodvo’ is evocative both as the stone used in traditional homes to grind corn in preparation of staple foods and as a crushing force.

¹² Interview with Professor P.Q. Magagula.

¹³ Sobhuza’s attorney general, who drafted the proclamation, was a white South African. In the conditions of the time, he would have consulted the South African government in advance of completing his draft.

¹⁴ The siSwati original is ‘Inkhosi yinkhosi ngebantfu.’

¹⁵ Freedom House interviews with Swazi elders, Swaziland and South Africa, March – April 2013.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ See Human Rights Watch World Report 2012: Swaziland, <http://www.hrw.org/world-report-2012/world-report-2012-swaziland>

²⁰ Freedom House interview with UNDP-Swaziland, Mbabane, March 12, 2012.

²¹ Freedom House interview with Council of Swaziland Churches, Manzini, March 13, 2013.

²² The Constitution of the Kingdom of Swaziland, July 26, 2005, Chapter VII, 79, ‘System of Government’.

²³ Hilda Kuper, ‘An African Aristocracy – Rank among the Swazi’, Oxford University Press, London, 1961, p 174.

²⁴ Hilda Kuper, ‘The Swazi. A South African Kingdom’, Holt, Rinehart and Winston, New York, 1986, p 61

²⁵ Ibid, p 69.

²⁶ Ibid, p 197.

²⁷ Swazi Media Commentary, ‘Private Truths about King Mswati’, August 2, 2012, <http://allafrica.com/stories/201208090878.html/>

²⁸ Freedom House interview with Musa Ndlangamandla, Johannesburg, September 2, 2013.

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³¹ Ibid.

³² Swazi Media Commentary, 'Private Truths about King Mswati', August 2, 2012, <http://allafrica.com/stories/201208090878.html/>

³³ Descriptions of beliefs and procedures relating to the *incwala* can be found in P.A. Marwick's 'An Ethnographic Account of the Natives of the Swaziland Protectorate', Peter Dunseith's 'Bird of Heaven. The Story of a Swazi Sangoma', Richard Levin's 'When the Sleeping Grass Awakens: Land and Power in Swaziland' and James Hall's 'Sangoma: My Odyssey into the Spirit World of Africa'.

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³⁷ Freedom House interviews with leading Swazi business persons, Swaziland and South Africa, March – April 2013.

³⁸ Ibid.

³⁹ Freedom House interviews with Swazi attorneys, Swaziland, March 2012.

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⁵² Freedom House interview with a judge of the Seychelles Supreme Court, 2011.

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