

SWAZILAND: THE LAST GASPS OF AN ABSOLUTE MONARCH?

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Abstract

In this contribution we analyse some of the causes and consequences of the pro-democracy protests that have taken place in Swaziland in March and April 2011. Two related complaints were raised, namely, the fiscal irresponsibility of government and the unacceptably high poverty levels in Swaziland, especially in the light of the wealth and opulence of its absolute monarch, King Mswati III. After government forces violently suppressed the protests, the calls for democracy in Swaziland did not end, and President Jacob Zuma has now been called upon to intervene in this desperate situation. Certain conclusions are drawn, and recommendations made to encourage South Africa to act in accordance with the vision as laid down for its international relations, to create a better Africa and a better world.

Introduction

“If there is anything that we must learn from the upheavals going on in the northern part of our continent, it is that the legitimate expectations of the citizens of our countries cannot be taken for granted. We must, therefore, continue at the SADC level to consolidate democracy through the establishment of institutions that uphold the tenets of good government, respect for human rights and the rule of law.”
Zambian President, Rupiah Banda.

The opulent and over-indulgent lifestyle of King Mswati III, 43, and his 13 wives has become increasingly controversial in Swaziland, a small kingdom situated between South Africa and Mozambique, where approximately 70% of people live on less than a dollar a day.

King Mswati III pictured with Zimbabwe's President Robert Mugabe at the annual Reed ceremony

Mswati, the *Ngwenyama* (king, lion) has ruled the country since 25 April 1986. The current Prime Minister, Barnabas Sibusiso Dlamini, has been in power since 16 October 2008. King Mswati, serves as the lone executive authority and members of the bi-cameral legislature consisting of Senate and the House of Assembly are predominantly appointed by the King. Elections are held every five years for those constituencies that elect parliamentarians. However, in a clear rejection of principles of democracy, parliamentarians are essentially accountable to the king and not to the people.

The Peoples United Democratic Movement (PUDEMO) party, Swaziland's major movement for political change, operates in exile, banned entirely in 2008 by anti-terrorism legislation. Political parties were banned in Swaziland as early as 1973, when a state of emergency was called by then king, Sobhuza II, and the Independence Constitution was repealed. To this day, the state of emergency remains and the ban on political parties is still firmly intact under the rule of his son, King Mswati III. This legislation bans all political parties, referred to by the government as 'terrorists', and all media is subject to censorship, particularly the broadcast or publication of any government criticism.

Thus, from 1973 onwards, 'absolute power' - judicial, executive and legislative - was vested in the king, which laid the basis for the current political structure of Swazilandⁱ. The *tinkhundla* system, seen as a system of governance based on Swazi custom, in which representatives from elected local councils become spokespeople in national parliament, replaced the political party system.ⁱⁱ Despite the introduction of the new Constitution of Swaziland in 2005, multi-party democracy is still outlawed

and commitment to the *tinkhundla* system remains. Swaziland is ruled by a powerful elite made up of traditionalists loyal to the king, who restrict the ability of civil society organisations to facilitate political and socio-economic change. According to Amnesty International, “The King, as Head of State and also traditional head (*Ngwenyama*) of the Swazi nation, has extensive powers. These include appointing the Prime Minister, the heads of the security forces, some members of parliament and the judiciary”.ⁱⁱⁱ

The Suppression of Terrorism Act, 2008 has further drawn the attention of civil society and has raised serious human rights concerns. Under the 2008 legislation, any criticism of the king or government is treated as an act of terror. The definition of ‘terrorism’ or an ‘act of terrorism’ under the Act is vague and grants the government the power to determine what and who can be defined as a terrorist act or group. The Act further threatens the rights of freedom of expression, association and peaceful assembly.

Zareen Iqbal of the *International Institute for Justice and Development* (IIJD) has described Swaziland’s system of government as archaic:

“the autocracy has for decades successfully convinced the majority of the populace that since the country has always been a kingdom, a tradition rooted in Swazi culture, that the concept of the political party and even basic democratic principles are ‘alien’ and therefore incompatible with tradition”.^{iv}

Swaziland currently suffers from a severe economic crisis, the predominant cause of which is poor governance. The unsustainable fiscal trajectory in Swaziland is largely driven by the financial indiscipline of the King and his government: the drastic drop in revenue from the Southern African Customs Union (SACU) in mid-2010: an unsustainably high public wage bill (approximately 18% of GDP in 2010/11) and weak private sector performance.^v The government is also blamed for the lavish expenditures of the King’s administration, and the regime’s wider family clan (the Dlamini) have been established as a wealthy upper class that controls, not only the country’s politics, but major aspects of Swaziland’s economy. In attempts to resolve the fiscal difficulties, the Swazi government started introducing austerity measures in the country’s budget process in 2010 and the Ministry of Finance is working closely with the International Monetary Fund (IMF) to restore fiscal discipline. It may, however, be too little, too late for the people of Swaziland.

Political and civil society organizations in Swaziland regard 12 April as the anniversary date of the 1973 King's Proclamation, which ushered in more than three decades of emergency rule.^{vi} Consequently, on 12 April 2011, many Swazi people publicly protested against the country’s dire economic situation, predominantly blaming the dictatorship of the King. Against the background of recent pro-democracy uprisings in Tunisia and Egypt, Swaziland’s citizens stood up against a government that calls itself the “custodian of Swazi culture” in order to sustain and consolidate the monarchy. The protests were violently suppressed by government forces.^{vii}

The socio-economic and political landscape in Swaziland

The World Bank country brief, 2009, describes Swaziland as the smallest country in Africa and the last absolute monarchy in Sub-Saharan Africa, with a population of 1.2 million, GDP annual growth of 1.2% and life expectancy at birth, 46.3 years. This is despite the very high literacy rate (young females 15-24) of 94%. Swaziland has the highest prevalence of HIV/AIDS (% population 15-49) of 25%.^{viii}

UNAIDS estimations of HIV infection rates for Swaziland in 2009 are as follows:^{ix}

Number of people living with HIV	180,000 [170,000 - 200,000]
Adults aged 15 to 49 prevalence rate	25.9% [24.9% - 27%]
Adults aged 15 and up living with HIV	170,000 [160,000 - 180,000]
Women aged 15 and up living with HIV	100,000 [91,000 - 110,000]
Children aged 0 to 14 living with HIV	14,000 [8,300 - 18,000]
Deaths due to AIDS	7,000 [4,600 - 10,000]
Orphans due to AIDS aged 0 to 17	69,000 [55,000 - 86,000]

In “The problem of Swaziland” Sam Phiri maintains that the status of the monarchy is the focal problem. Unlike the Kings of Lesotho and Zululand, Mswati is the absolute and uncontested leader of Swaziland. This position is justified and propped up by relying on age-old customs and traditions that justify the opulence of the royal family. As Phiri states:

“From this distance, the problem of Swaziland is thus the status of the monarchy. The issue here is not openly the legitimacy of the king, but whether in this modern era (an age of political and structural transformations, and the respect for basic human rights) he should continue enjoying the archaic and traditional privileges that previously defeated communities reserved for sovereign potentates during the last two centuries”.^x

The Swazi’s themselves will eventually have to decide upon the legitimacy of their monarch. This right falls within the sovereign power of the Swazi people, but this does not and should not preclude critical questions being asked about the wealth amassed by King Mswati whilst the majority of his people starve. However, often the pro-monarchy members of government view dissent as “un-Swazi” and “un-cultural”, which silences efforts at resolving national problems. This response is obviously aimed at the preservation of the *status quo*, and attempts to protect traditionalists’ values, which are posited as static. A “good” citizen supports the monarchy, a “bad” Swazi questions it. The welfare of the King, it seems, is paramount and above that of the ‘common’ people whereas traditionally it should be the opposite.

In analysing the problem further, Phiri states that “[r]esorting to past glories is a futile exercise”.^{xi} He questions the fear-inducing strategies of those in power and poses critical questions as to the “expected and accepted” norms and values that leave no room for popular dissent. The king’s authority is vested in unquestionable customs and not the will of the people or the spirit of the nation. Disobedience is severely punished and human rights violated as this last absolute African monarch clings to power”.

The King’s regime responded to the April 2011 pro-democracy protests with brutal force and harsh rhetoric through intimidation, heavy policing and military clampdown, detentions and the prosecution of opposition figures.^{xii} Prime Minister Barnabas Dlamini declared that the protests would be illegal and that anyone who took part in them would do so “at their own risk”.^{xiii} There have also been reports that the government have monitored phone calls with the help of MTN, the only mobile phone network in the country, which has been accused of collaborating with the government. Some cell phone users reported that their internet access had been blocked by MTN.^{xiv}

The violent silencing of other voices is further illustrated by the fact that Maxwell Dlamini, a student protester and member of the Swaziland National Union of Students (SNUS), has been denied bail, denied the right to sit his exams, and is facing charges of possessing explosives. In media interviews in the run up protests Dlamini had called for "the end of the royal misrule in Swaziland" and urged the Swazi student body to rise up and "take to the streets and protest" against King Mswati’s regime.^{xv} Maxwell Dlamini still languishes in custody in a Swazi prison. Mxolisi Ngcamphalala, one of the activists calling for the release of Maxwell Dlamini has stated "They are trying to frustrate us. We must stand our ground. What we are saying is simple: We demand freedom and multiparty democracy. You cannot arrest all of us".^{xvi}

The April 2011 pro-democracy protests

In March 2011, the Swaziland government announced the implementation of austerity measures within the civil service sector, after a sharp decline in customs revenue as a result of the Southern African Customs Union (SACU) reducing the government’s budget. Government subsequently announced that it would be cutting civil service worker salaries, enacting a pay freeze and that it would be reducing and halting pensions for the elderly. Shortly after the announcement to enforce austerity measures, thousands of civil service workers, their families and civil society groups took to the streets to peacefully protest the measures proposed by government. Many blamed the lavish lifestyle of the king and his family for the economic crisis. The king is estimated by *Forbes Magazine* to be worth over \$100 million whilst more than two-thirds of the population lives below the poverty line. In addition, the HIV/AIDS prevalence rate is about 25%, the highest in the world and Swaziland’s life expectancy, a mere 46 years of age.

Each year since 1990 the Human Development Report has published the Human Development Index (HDI) which was introduced as an alternative to conventional measures of national development, such as level of income and the rate of economic growth. The HDI represents a push for a broader definition of well-being and provides a composite measure of three basic dimensions of human development: health, education and income. Swaziland's HDI is 0.498, which gives the country a rank of 121 out of 169 countries with comparable data. The HDI of Sub-Saharan Africa as a region increased from 0.293 in 1980 to 0.389 today, placing Swaziland above the regional average.

Human Development Index 1990 to 2009

Source: <http://hdrstats.undp.org/en/countries/profiles/SWZ.html>

In April 2011 protests rang out against Mswati's use of public funds to purchase a personal private jet, to construct new royal palaces for his 14 wives, to purchase luxury vehicles, and to fund the infamous 'Reed' festival, where thousands of women are rallied into a football stadium to present themselves in hopes of becoming his next wife.^{xvii}

Although PUDEMO was banned under the 2008 Suppression of Terrorism Act, the opposition cause was taken up by a variety of organisations, including church groups, unions, and activity groups inside the country. Swazis in exile have mobilised through the Swaziland Solidarity Network (SSN). Reminiscent of the recent North African revolutions, a facebook group called "April 12 uprising" was set up to promote communication between pro-democracy activists. Whilst the group drew international attention to the country's political situation, it unfortunately also informed the Government of the protestor's plans.^{xviii} More recently, a website entitled "Free Maxwell Dlamini"^{xix} has been created in the same spirit as activists' efforts to free Bradley Manning, the army soldier accused of leaking 250 000 confidential US diplomatic cables to *Wikileaks*.

The Swazi regime successfully demobilised the April 12 protest action, resulting in Swaziland's Minister of Foreign Affairs and International Cooperation calling the protests a "failure." However, protesters have vowed to continue their struggle against the regime as increased exposure to Swaziland's 'political hardships' has drawn international attention and calls to "lift a ban on political parties".^{xx} Concerns over human rights political freedoms have also led to statements by representatives from the US and the EU.

Local and Global responses to the regime's political violence

In a statement, issued on 10th May 2011, on the protests in Uganda, Swaziland and Mozambique, the Commonwealth Human Rights Initiative (CHRI) noted the failure of police forces in the Commonwealth to act in the spirit of international human rights law and urged the governments of Uganda and Swaziland to prosecute individuals who had been implicated in the use of force against peaceful demonstrators. The CHRI also urged the Commonwealth to speak out in strong condemnation of actions by the governments of Swaziland and Uganda, who continue to violate the rights and freedoms of their citizens:

"We encourage the Governments of the Commonwealth to listen to the cries of the people and act in a transparent manner with their citizens on matters that affect their socio-economic situation. Such matters can only be resolved through the promotion of dialogue, transparency and accountability in government dealings, policies and programmes."

The government of Swaziland has responded to these appeals by insisting that they will resist pressure from the West over democratic reforms.

Another organisation, the *Crisis in Zimbabwe Coalition* (CZC) has stated that they stand in solidarity with human rights organisations, students, political and labour movements in Swaziland in their quest for freedom, democracy and good governance.^{xxi} The Coalition has called upon the Southern Africa Development Community (SADC) and the African Union (AU) to intervene in bringing an end to the continued victimisation of pro- democracy activists in Swaziland. The principle of multi- partyism in democratic institutions is upheld in Article 5 of the Southern Africa Development Community Treaty, 1992, which outlines the objectives of SADC (to which Swaziland is a part of), and which commits the Member States to "promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective".^{xxii} Multi-party democracy serves to uphold freedom of association and assembly as enshrined in Articles 11 and 12 of the African Charter on Human and People's Rights (ACHPR).

Furthermore, the Coalition reminds the Swaziland government that, as the Zambian President, Rupiah Banda said at the last SADC Troika summit held in Livingstone, Zambia in March 2011, when citizens make genuine demands, they should be taken seriously. When the wheels of change start turning, only genuine reforms can appease the citizens as was witnessed in the Egyptian and Tunisian revolutions.

In light of the above, The CZC demands

1. That King Mswati III and the Swaziland government adhere to principles enshrined in the SADC Treaty and ACHPR by ceasing further victimisation of its citizens and observing the rule of law, human rights and principles of democracy.
2. That SADC lives up to its obligations as noted in its founding treaty by putting in place measures to stop the Swaziland monarch from continuing its onslaught on citizens and pushing the monarch to initiate democratic reforms including the adoption of a multi- party democracy.

European countries have also raised concern about Swaziland, where most Swazis live in poverty, and where the government represses human rights and harasses and imprisons pro-democracy activists.^{xxiii}

The right and responsibility to intervene

Source: <http://www.mapsofworld.com/swaziland/swaziland-political-map.html>

On 27 May 2011 *Newstime Africa* asked the question as to whether the President Zuma's government will demand democracy in Swaziland after the brutal police suppression of peaceful protests.^{xxiv} The reporter, Peter Kenworthy, pointed out that President Jacob Zuma is married to King Mswati's niece and has thus far not severely criticised Swaziland's absolute monarch publicly. However, the South African Trade Union Federation COSATU has been a staunch supporter of the Swazi democratic movement for years, and recently "condem[ed] the Swaziland government for its naked show of brutality and intensified repression" in a press statement.^{xxv} The role of the ANC Youth League (ANCYL) is also very critical, as the Youth League is assisting the Swazi protesters by putting pressure on the South African government and questioning its foreign policy.

Ebrahim Ebrahim, the South African Deputy International Relations Minister said in a statement commenting on the Swazi regime's violent clamp down on the peaceful April 12 protests that

"We call on the government of Swaziland to work towards the normalisation of the political environment by unbanning opposition political parties, releasing political activists and engaging in a meaningful dialogue with opposition political and trade union leaders to find a collective solution to the socio-economic situation faced by that country".

South Africa is Swaziland's main trading partner, with over 90% of Swaziland's imports and 60% of its exports coming from trade with South Africa, and could therefore shut Swaziland down in a matter of days if it had the political will to do so. Sibongile Mazibuko, the Swaziland National Association of Teachers (SNAT) president has stated that "Swaziland is almost completely dependent on South Africa and if we allow this government to continue looting, then we'll be a burden forever".^{xxvi}

Although no law expressly bans criticism of the monarchy, the prime minister and other officials have warned journalists that publishing such criticism could be construed as an act of sedition or treason, and media organisations have been threatened with closure for criticising the monarchy. The law empowers the government to ban publications if they are deemed "prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health." Furthermore, individuals and their family members who criticised the monarchy risked exclusion from the traditional regiments' patronage system (chiefdom-based groupings of Swazi males dedicated to serving the king) that distributes scholarships, land, and other benefits. Traditional chiefs were obliged to punish offenders when matters were brought to their attention.^{xxvii}

An extract from a statement made by The Open Society Initiative for Southern Africa (OSISA) to the Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held at Banjul in April 2011 again reflects the concerns relating to circumstances in Swaziland:

“On 12 April 2011, trade unions and pro-democracy movements, sought to peacefully commemorate 38 years since the abrogation of the Constitution, and demand political and economic reforms. They demanded the immediate resignation of the government for corruption and poor governance, repeal of the unjust Suppression of Terrorism Act, unbanning of political parties as vehicles for political mobilisation and respect for freedoms of expression, association and assembly enshrined in the African Charter and sections 24, 25 and 26 of Swaziland’s own constitution. Requests to hold peaceful protests were refused. Security forces violently suppressed protests, intimidated and arrested those who proceeded with the protests. More than 50 people including students, trade unionists, journalists and ordinary citizens were illegally detained, tortured and subjected to public beatings by security forces. This heavy-handed response to peaceful protests undermines the letter and spirit of the African Charter.”

In its statement OSISA urges the Commission to call upon the Government of Swaziland to:

- (i) unconditionally and immediately release all the protestors still under illegal custody;
- (ii) begin a national dialogue to address the long-standing human rights and governance deficits;
- (iii) stop unlawful searches, harassment and the use of force against trade union leaders and innocent and unarmed civilians by the security forces; and
- (iv) fulfil all its obligations under the African Charter to protect and promote the rights of its citizens.

The Commission was further urged to undertake a promotional mission to Swaziland to investigate the human rights abuses and ascertain the government’s compliance with the findings and recommendations of the August 2006 promotional mission by the Commissioner responsible for the promotion of human rights in Swaziland.

As the movement in support of the democratisation of Swaziland swells, the African NGO Forum, a body recognised by the African Union (AU), resolved this week to force the ACHPR to bring Swaziland before the continental Human Rights court. Swaziland is accused of violating nine separate articles of the African Charter. On 15 May 2011 the *Times Sunday*, an independent newspaper in Swaziland, reported that the ACHPR has been urged to urgently intervene and appeal to the Swazi government to immediately restore peace and order in the kingdom.^{xxviii} Later, on 28 May 2011 *Times Live* reported that the International Monetary Fund (IMF) has stated that Swaziland might be close to financial collapse, which has sparked fears that the country might have to devalue its *lilangeni* currency to the rand.

Fears also continue about the government's ability to pay public service salaries, which account for almost half of government spending. A World Bank economist, Jean van Houtte, has warned that the World Bank loan, and a possible \$150-million loan from the African Development Bank, would not bring Swaziland close to closing its financial gap.^{xxix}

Despite the internal crisis in Swaziland, and the many calls from within and outside to intervene and assist, South Africa has largely remained distant from its neighbour's problems, probably in deference to Swaziland's national sovereignty. However, if the purpose of South Africa's foreign relations policy is to work towards a better Africa and a better world, it could be argued that national sovereignty is not a convincing enough argument against an intervention. Rather, in a situation in which people are dying and being killed there is no absolutely correct position to take. In such situation a clear conscience is impossible to achieve. What could, perhaps, guide decisions to intervene or not is taking into careful consideration the sovereignty of the people themselves, and to acknowledge that a 'neutral' stance in the face of oppressive violence against a neighbour's citizens, is impossible. As Smolenski states, "What is at stake here is not a truly non-partisan position of an external spectator (in fact impossible) but rather a political resolution of a problem we are deeply involved in".^{xxx}

Unlike the Charter of the OAU, Article 4 of the Constitutive Act of the African Union contains provisions related to the right and the responsibility to protect (R2P). The responsibility to protect (R2P) comprises three specific responsibilities:^{xxxi}

The responsibility to prevent – addressing root causes and direct causes of internal conflict and other man-made crises that put populations at risk

The responsibility to react – responding to situations using coercive measures like sanctions, international persecution and military intervention where necessary

The responsibility to rebuild – providing assistance with recovery, reconstruction and reconciliation, and addressing the causes of the harm the intervention was designed to halt or avert.

Tim Murithi of the ISS writes that AU intervention in internal crisis situations is rendered possible in the provisions of Article 4(h) of the AU Constitutive Act which affirms "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" (AU 2000, Article 4(h)). Furthermore, article 4(j) declares "the right of Member States to request intervention from the Union in order to restore peace and security" (AU 2000, Article 4(j)). In particular, article 7(e), of the Protocol of the Peace and Security Council states that the Council can "recommend to the Assembly of Heads of State intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments" (AU 2002, 9).

With the adoption of these legal provisions, for the first time in the history of Africa, the continental organisation, working through an appointed group of states, has the authority to intervene in internal situations in any state that may lead to atrocities against minority groups or communities at risk. In other words, the AU has the right and the responsibility to protect. As such, the AU is the world's only regional or international organisation that explicitly recognises the right to intervene in a member state on humanitarian and human rights grounds. The AU drew these guidelines based on the recommendations of a 2001 report from the International Commission on Intervention and State Sovereignty entitled *The Responsibility to Protect*. The report asserts that "[s]overeign states have a responsibility to protect their own citizens from unavoidable catastrophe - from mass murder and rape, from starvation - but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states".^{xxxii}

Conclusion and recommendations

Shortly before the April protests Swaziland has received a "letter of comfort" from the IMF which provided the much-anticipated green light to apply for loans from the African Development Bank (ADB) and the World Bank.^{xxxiii} The Minister of Finance has indicated that the government intends to borrow US\$ 100 million (about E 700 million) from the AFDB and US \$20 million (about E140 million) from the EU to finance the country's budget. The two loans are strictly intended to finance the country's budget and not meant for any particular project.

However, as stated above, these reform measures came too little and too late and labour and the general public in Swaziland will continue to resist the government, especially against the backdrop of alleged corruption of the royal family and the ruling elite, despite Mswati cancelling a lavish silver jubilee celebration in order to save \$1.7 million.^{xxxiv} As such, the democratic "revolution" that began in April is far from over. On June 1 2011, members of the Swaziland National Association of Teachers marched to the U.S. and South African embassies in Swaziland demanding the freezing of overseas bank accounts of dignitaries and requesting the intervention of presidents Zuma and Obama. The outcome of this request is yet to reach the public.

It appears as if the Swazi government will continue with the *status quo*. There is no sign of change in sight as reflected by the glib remarks of Paul Loffler, publisher of the *Times of Swaziland* newspaper, as quoted in the *Sunday Times* (5 June 2011): "Swaziland doesn't need democracy. We've never had a genocide, we've never nationalised farms, our municipalities run like clockwork, the cities are clean, there are no potholes - or not many - and we have little violent crime". Loffler, however, admitted that there was room for improvement, particularly regarding the profligate spending on unnecessary items in the face of dire poverty. In addition, King Mswati III, who has associated closely with the likes of Presidents Mugabe and Gaddafi, the self anointed "kings" of Africa, is not likely to hand over his power voluntarily.

With this attitude, it is surprising that South Africa, a country that prides itself on the international stage as an upholder of human rights and a promoter of democracy, will continue to remain non-committal in the face of the suffering of the people of Swaziland, in its very midst. SADC must take a stand, as they have begun to do with Zimbabwe's Global Political Agreement (GPA), as insecurity in Swaziland is equally likely to affect the rest of the region negatively.

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