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POLITICAL MOVEMENTS AND THE CHALLENGES FOR DEMOCRACY IN SWAZILAND



Joshua Bheki Mzizi

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THE CHALLENGES FOR DEMOCRACY
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BY
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ABOUT THE AUTHOR

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PREFACE

Multiparty democracy is becoming increasingly entrenched in the Southern African Development Community (SADC) region. A few SADC member states, including Botswana and Mauritius, boast long-enduring multiparty political systems implemented since their independence. Others have experienced a variety of mono-party systems (Angola, the Democratic Republic of Congo [DRC], Lesotho, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe), military dictatorship (Lesotho), apartheid rule (Namibia and South Africa) or no-party dynastic regimes (Swaziland).

Since the 1990s, most SADC countries (bar Angola, the DRC and Swaziland) have undergone a phenomenal transition towards multiparty politics. Crucial as this political transition is, its exact impact on democracy remains a moot point. In both the academic and policy discourses today, a number of questions still require answers. For example:

- Has the current political transition enhanced democratic governance?
- Has the transition deepened democratic culture and practice?
- Has the transition improved the effectiveness of democratic institutions such as political parties?

EISA (formerly the Electoral Institute of Southern Africa) – under the theme ‘Consolidating democratic governance in the SADC region’ – is therefore undertaking a broad programme that attempts to answer these questions.

The first stage of the programme focused on political parties and attempted to answer whether the transition improved the effectiveness of democratic institutions, such as political parties. This component of the programme was undertaken jointly by EISA and the International Institute for Democracy and Electoral Assistance (IDEA) between 2003 and 2004. It investigated the state of political parties in the democratisation process in the SADC region over the past decade. The main goal of the programme was to assess the role and effectiveness of political parties in the process of institutionalisation of democratic governance in each of the SADC countries. The specific objectives of the project were to:

- assess the general political and socio-economic context of each country and its possible impact on political parties;
- investigate the external regulatory and legislative environment in each country and its impact on the role and functions of political parties; and
- examine the internal functioning and structure of political parties and the impact of this on their institutional effectiveness.

There is no gainsaying that political parties play a critical role in the democratisation process. It is also incontrovertible that political parties are key to the institutionalisation and consolidation of democracy. Thus, sustainable democracy is dependent upon well-functioning and effective political parties.

Each *country context* suggests that vibrant and robust political parties are crucial actors in articulating and aggregating diverse interests, providing visionary political leadership, recruiting and presenting candidates, and developing competing political and policy programmes upon which the electorate base their choices during elections.

Democracy is unthinkable without political parties and, conversely, political parties cannot add value to a political system under conditions of authoritarianism. Parties everywhere have the potential to be effective and accountable, but they face enormous challenges. The political context and the legal environment in which they function, as well as their systems of internal organisation, management and operation, require attention and are often in need of reform.

Although little comparative research has been conducted, it is clear that the *external environment* – the regulatory, financial, political and electoral spheres in which political parties grow and function – influences parties' strategies and organisation. The external environment also has a fundamental impact on the capacity of parties to become more effective agents of democratisation.

The *internal functioning* of political parties determines how the social demands of different groups in society are represented in parliament. Candidates nominated for election are selected, supported and trained by their parties. In addition, parties put candidates in touch with voters and hold them

accountable. In many instances, the electoral and political culture and associated structures have allowed traditionally excluded groups – such as women, ethnic and religious minorities, indigenous peoples and youth – to have only limited access to the political realm.

To address these issues, EISA and IDEA developed three questionnaires on: the country context; the external regulations and environment; and the internal functioning and structure of political parties. Country studies were undertaken by experts commissioned by EISA and IDEA. One of the main outputs of this project is a series of research reports, and this report forms an integral part of the series.

We extend our profound gratitude to the Swedish International Development Agency in Harare, Zimbabwe, the Royal Danish Embassy in Pretoria, South Africa and the Embassy of Finland in Pretoria, South Africa for their generous financial support, without which this programme would not have been possible.

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Khabele Matlosa
Project coordinator and series editor
EISA

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LIST OF ACRONYMS

Agoa	African Growth and Opportunity Act
CDC	Constitution Drafting Committee
CPI	Consumer price index
CRC	Constitutional Review Commission
CSO	Central Statistical Office
GDP	Gross domestic product
IDEA	International Institute for Democracy and Electoral Assistance
INM	Imbokodvo National Movement
MNC	Mbandzeni National Convention
NCA	National Constitutional Assembly
Nepad	New Partnership for Africa's Development
NNLC	Ngwane National Liberatory Congress
OVC	Orphaned and vulnerable children
Pudemo	People's United Democratic Movement
SADC	Southern African Development Community
SCSNC	Standing Committee of the Swazi National Council
SDA	Swaziland Democratic Alliance
SDP	Swaziland Democratic Party
SFTU	Swaziland Federation of Trade Unions
SNPP	Swaziland National Progressive Party
SNUS	Swaziland National Union of Students
SPP	Swaziland Progressive Party
SRC	Students' Representative Council
SS	Sive Siyinqaba
SUF	Swaziland United Front
Swanafro	Swaziland National Front
Swayoco	Swaziland Youth Congress
TRC	Tinkhundla Review Commission
USA	United Swaziland Association

EXECUTIVE SUMMARY

Political parties were banned in Swaziland on 12 April 1973. The king's decrees that became law on that day dissolved all political parties and similar bodies 'that cultivate and bring about disturbances and ill-feelings within the nation'. The holding of meetings and staging of processions and demonstrations needed the authorisation of the Commissioner of Police, who could deny such permission if he felt that an event was of a political nature. Forming a political party and organising a political meeting were criminal offences.

Despite the existence and sporadic state enforcement of this legislation, political parties exist and operate at their own risk in the Kingdom of Swaziland. Some of the parties that operated during the pre-1973 period disintegrated as the run-up to independence intensified. Most of them were swallowed up by the Imbokodvo National Movement (INM), which had strong royal support. By 1967, the major opposition to the INM was the Ngwane National Liberatory Congress (NNLC). The 1972 election was contested by the INM and the NNLC. When, however, the NNLC won three parliamentary seats, the ruling party devised a strategy of abrogating the independence constitution, which strategy saw the light of day on 12 April 1973.

The present report investigates the operations of three major political organisations in Swaziland: the NNLC, the People's United Democratic Movement (Pudemo) and Sive Siyinqaba (SS). SS calls itself a cultural group. But due to the interest SS has shown in local politics, and the fact that in the region such cultural organisations as Inkatha in KwaZulu-Natal and Inyadza in the former Ka Ngwane ended up talking and behaving more like political parties than bona fide cultural organisations, it is not far-fetched to discern that SS might transform itself into a political party. The reasons are explained in detail in this report. Both the NNLC and Pudemo operate illegally and therefore underground. This makes it impossible to study their internal functioning and structure, including their participation in elections and other aspects recorded in the interview. The parts of the regional study questionnaire that could not be answered indicate the status of the Swazi scenario.

The NNLC was founded on 12 April, 1963 as a pan-Africanist party whose objective was to liberate Swazis from oppression. Oppression at the time was construed in terms of colonialism. Today oppression refers to the intransigent monarchist regime which has systematically excluded political parties from the political landscape. Pudemo was formed on 5 July 1983 as a social democratic movement. Its mission included the creation, protection and promotion of a constitutional multiparty democracy, a transparent and accountable government, an environment conducive to encouraging sound economic growth and the development of a culturally vibrant and tolerant society. The NNLC and Pudemo draw their support from Swaziland's peasants, youth, intelligentsia and disadvantaged. SS, on the other hand, was formed on 2 April 1996 as a pro-monarchy group. Its initial aim as spelled out in its constitution was to protect kingship and Swazi culture from what the founding members of SS perceived as a strong wave of anti-monarchy sentiment that was maturing at the time, spearheaded by the labour and underground movements which were clearly working in concert. SS attracted membership from both sophisticated and simple traditionalists and royalists. Over the years SS has shown itself to be critical of government decisions, and this has inevitably resulted in a fall-out with the establishment.

Despite being a non-party state, Swaziland has a record of free and fair elections. The elections of 1967 and 1972 were held under a multiparty environment. As pointed out above, freedom of association and freedom of assembly were proscribed in 1973. The independence constitution was not only castigated for being foreign, it was also eventually repealed in part. The Bill of Rights enshrined in Chapter II was not saved. The king gave himself absolute and executive powers.

Since 1973, there has been interplay between Swaziland's parliamentary system and the traditional reality which aims to make the modern parliamentary system subservient to 'tradition' or, by inference, the king. The Tinkhundla system – a traditional structure originally devised by the Swazi monarch in the 1940s for agricultural developmental purposes – was first introduced in 1978. It provides for a bicameral parliament comprising the Senate and the House of Assembly, with the king appointing 15% of the members of the Assembly, and 67% of the members of the Senate, or upper chamber.

The three organisations under focus have very well-written constitutions. While the commitment of the SS on matters of gender balance is not specified, Pudemo and the NNLC strive for equity and also promote the participation of the youth in party affairs. Owing to the underground nature of Pudemo and the NNLC, it is not easy to measure the extent to which their constitutional provisions are followed.

The present study concludes with recommendations that emphasise Swaziland's need for an opposition – and therefore political parties. The underground parties themselves have a duty to attract support away from the strong traditional element in Swaziland. To do this, they need to establish their good faith and to regard the monarchy more highly than they do today. This is the challenge of all pro-democracy groupings in Swaziland. If change is to occur in Swaziland, its rallying point should be the creation of a Swazi democratic state in the context of the monarchy.

INTRODUCTION

The Kingdom of Swaziland is sandwiched between South Africa and Mozambique near the south-eastern tip of Africa. It has a total area of some 17,400 km² with the longest north-south and east-west extremities 190 km and 130 km, respectively. Small as it is, Swaziland has four major climatic regions: Highveld, Middleveld, Lowveld, and the Lubombo Plateau, which runs along most of the eastern part of the country bordering Mozambique. The last population census took place in 1997. It indicated a total resident population of 929,718, or a growth of 2.9% compared with the 1986 census. The Central Statistical Office (CSO) reported that:

‘... the decline in the growth rate compared to the 3.2% growth between 1976 and 1986 is ascribed to the prevailing demographic trends of declining fertility and mortality. The total fertility rate declined from 6.4% in 1986 to 5.9% in 1991 and to 4.55% in 1997, with the decline being more pronounced in urban areas. The sensitisation programmes on family life and planning and HIV / Aids can explain this trend.’¹

The people of Swaziland are ruled by a monarch, the king, who rules with his mother, the queen mother. The Dlamini clan is the ruling dynasty, with support from senior clans including the Mambas, Simelanes, Magagulas and Masekos, who together contribute a fair percentage of the country’s total population. The Swazi monarchy is supported by a network of chiefdoms, some of which are characterised by serious internal squabbles due to problems of succession. These chiefdoms form the bedrock of Swazi traditional authority.

Swaziland received independence from Great Britain in September 1968. Swaziland was a British Protectorate from the early-1900s, with Britain’s colonial government allowing Swaziland’s traditional practices and institutions to exist side by side with modern systems. All traditional and customary matters fell within the jurisdiction of the *Ngwenyama* (Lion), or the paramount chief, as the British preferred to call him. This meant that at independence Swaziland inherited a dual system, both legally and politically.

The Swazi king, as the political figurehead of the Swazi nation through its chiefdoms, occupied a strong presence in the traditional sector of Swazi politics, and was able to resist the political party democratic arrangement Britain had intended when it handed over sovereign authority to the Swazi nation. During the run-up to independence, political parties had the backing of the British Colonial Office, but they were disregarded by the traditional Swazi ruling aristocracy.

Swaziland received its independence on a multiparty platform, with a Westminster-type constitution and a parliamentary democracy. The Swazi king had been advised to form his own party. Reluctantly, he established the Imbokodvo National Movement (INM), which was to prove invincible mainly because of his own presence as well as of those closest to the monarchy. The INM ruled without opposition for the first five years of independence, during which there was no talk of abolishing party politics. The 1972 election, however, ushered in the death of democracy.

When the NNLC won three seats in the eastern sugar-belt, the INM refused to accept the prospect of an opposition in parliament, and regarded this victory as an affront to the king's authority and image. After failing in its court challenge to the citizenship of one of the NNLC members, Bhekindlela Ngwenya, the INM decided to attempt to repeal the independence constitution and to ban all political party activity in Swaziland. The repeal of the independence constitution was achieved on 12 April 1973 in what could be best described as a 'royal coup of the Swazi parliament'. As a result, the Swazi king accorded all legislative, executive and judicial powers to himself.

The year 1973 was the watershed for political party democracy in Swaziland. This study traces both the drive for an absolute monarchy based on Swazi law and custom and the continued existence, despite the 1973 ban, of underground political movements. The operations of these movements are pronounced, unpredictable and probably an unnecessary nuisance to the state. After 1973 more parties were founded, indicating that there was a popular objection to the king's rejection of the independence constitution in that year.

The study focuses on two of these parties: Pudemo and the NNLC. The third organisation, SS (Sive Siyinqaba or Sibanhle Sinje) is a cultural formation

that vowed on its launch in 1996 that it would talk political matters. Whereas Pudemo and the NNLC espouse respectively socialist and pan-African ideologies, SS is more sympathetic to Swaziland's cultural heritage and, as such, protective of the Swazi monarchy. In one sense the cultural organisation poses as a neo-INM with a rather open mind to '... facilitate changes... where such are necessary' to some aspects of the Swazi heritage.² In another sense, it has its eyes more focused on political power and influence than on mere cultural practices. Members of SS are by design found in both houses of parliament, where they are providing effective checks and balances to the operations of government. In 2003, SS declared that it wanted to occupy all the seats in parliament at the next election. There are enough indications that SS is a political party in waiting.

Using various means, the Swazi ruling aristocracy seems to have succeeded in demonising party politics over the years. One of its approaches was to contrast parties with the majesty of the king, as though both could not exist in the same political environment. Given such a dubious choice, the majority of Swazis opted for the monarchy.

A question raised in this study is: For how long will the state pretend that political parties do not exist in Swaziland? A related question is: What further efforts and strategies should the underground political movements employ to make a stronger case for their version of democracy and eventually to bring about change in the kingdom's political landscape?

METHODOLOGY

Data gathered for this study came from two major sources. The first was the three questionnaires developed by IDEA/EISA (see appendices), focusing on:

- the country context;
- external regulations; and
- the internal functioning of political parties.

The second was secondary materials, which were used mainly in the analysis of developments in the Swazi political economy since 1973.

After identifying the interviewees for each of the parties and organisations,

the three questionnaires were distributed in advance of our interviews for them to familiarise themselves with the contents and requirements of the questionnaires. This method worked well as the respondents were at ease during the interviews and had their answers ready. Although the country context questionnaire was meant to be filled in only by the researcher, I preferred to solicit comments on each of the questions from the interviewees. This helped me to check and balance the accuracy of information on my part, as well as to minimise researcher bias.

Three key members of each organisation participated in the interviews. The leaders of these organisations were asked to nominate people who occupied key positions in the organisations and who were also knowledgeable about their organisations' operations and history. An aggregate of the responses to each of the questions was determined by the researcher and filled in as the official response of the organisation, and the title of the mandated official was duly acknowledged for matters of authentication. For instance, while I interviewed three Pudemmo officers – the president, the national chairperson and the secretary-general – party policy dictated that the office of the secretary-general should be responsible for releasing all official information pertaining to that organisation. I had to respect this policy. SS, on the other hand, mandated the vice-chairman to be the major source, although the secretary and the national chairperson were also interviewed. The NNLC, which is experiencing a major setback in terms of leadership and strategy, was represented by the acting secretary-general, his deputy, the acting deputy president and leaders of the youth and women's wings. Owing to his other commitments, the acting secretary-general mandated his deputy to be the main source and consultant for the whole exercise.

As previously stated, Swaziland is a non-party state, party politics having been banned by royal decree on 12 April 1973. Since then, the official view has remained that the party political system is foreign to Africa and disruptive to the peace and stability of African nations. No plebiscite, however, has been held to determine the views of Swazis on political parties. Instead, conclusions have been drawn on an *ad hoc* basis from individual submissions made to the royal commissions tasked with sounding out the national opinion on reforming the Tinkhundla system of government – a traditional structure originally devised by the Swazi monarch in the 1940s

for agricultural developmental purposes. As a result, it was not possible to complete the questionnaire on external regulation as its wording and intention assume that there are laws in place meant to regulate the operations of parties. The nature of the limitations on this score is described in detail in the executive summary herein. Similarly, since Swaziland's parties operate underground, their internal functioning cannot be expected to be anything near perfection. The major focus of the underground movements is to topple the ruling regime by causing instabilities wherever possible. Since the ruling regime has no political or moral obligation to listen to the wishes and calls of the underground movements, the tendency is to stifle and crush the movements by any means possible. In such a situation the underground movements are largely unable to mobilise support as they cannot hold open rallies and declare or sell their positions and principles to the general public.

For obvious reasons in these circumstances, the internal functioning of a party becomes a closely guarded secret. So while Pudemo and the NNLC have very well-written constitutions, the political environment in which they operate makes it difficult for them to realise all the ideals expressed in their constitutions. This is why their responses to the questionnaire on parties' internal functioning were, even with considerable probing, mainly not forthcoming and unenthusiastic.

Secondary sources of information were used together with other theoretical texts on the question of consolidating democracy and the theory and role of political party systems in a working democracy. I shall elucidate these in the following section.

LITERATURE REVIEW

Although much has been written about Swaziland's Tinkhundla system of government, there has not been a study on the underground political movements in Swaziland. The assumption is that when Tinkhundla was introduced in 1978, all political party activity ceased to exist. The tendency, encouraged mainly by the status quo, is to ignore the presence of the opposition while extolling the majestic stature of the king and *Ngwenyama* as the unifying force of the Swazi people. Despite these empty wishes by officialdom, there exists a growing underground wave which political

scientists and historians must study carefully, for in it lies the future trend towards a democratic Swaziland.

This study exposes especially the NNLC and Pudemo to both academic scrutiny and general readership precisely because they are movements started and currently supported by Swazis. Secondly, they have a new vision for Swaziland's political dispensation. Pudemo's social democratic policies might sound too far-fetched in the post-Cold War era. And the NNLC's pan-African ideology might sound similarly far-fetched in this era of third-wave democracy following the winds-of-change of the 1960s. The fact remains that the motivations and possibilities of the ambitious programmes of these political parties need to be carefully studied.

To many Swazis, SS emerged as a royalist organisation with a self-proclaimed mandate to crush the progressive voices at all cost. No scientific study has been done on this organisation, especially to assess the validity of its own claim to be a cultural organisation. SS's paradigm shift revealed by this study seems to result from a political weariness, if not a disillusionment, with the status quo on key matters of governance and the rule of law.

This study has investigated the rise of the political party spirit in the face of an obvious royal rejection of parties from the 1950s right up to 1973, when parties were officially banned. It is easy to trace this history from the writings of J.S.M. Matsebula and Hilda Kuper. But these writers did not investigate the real impact of the royal rejection of political parties on the current and future political landscape of Swaziland. Bekithemba Khumalo and B.P. Wanda wrote about the constitutional developments since the 1960s, and perhaps less so in the post-1973 era. Their sole intention was to reveal exactly where power lies in Swaziland.

Since the theories of Halpern³ and Booth⁴ that underscored tradition as the major bond that defines royal inclinations on the one hand, and progressive calls based on international imperatives on the other, there has not been a serious analysis of the real roleplayers at the helm of political initiatives, namely, the Swazi kings. While it is true that kings represent etiquette and all the epic dimensions of a nation, they too have self-interests, which should be analysed properly and seen in perspective. Their self-interests might be

based on the corrupting or enriching qualities of economic power or simply on the desire to wield unlimited political power, which is the pastime of all dictatorial regimes.

The analytical and comparative part of this study relies on the royal decrees since 1973 and the reports of the royal commissions on the reform of Tinkhundla, both of whose intentions have been to kill off political parties in Swaziland. All these efforts have reached their climax in the Constitution Bill of 2004, which has since been finalised and clearly defines Swaziland as a non-party state.

The study has also made wide use of the constitutions, manifestos and policy documents of the underground movements. What always stands between written policies and organisations is action.

How far have the provisions of the constitution been implemented? This question is not easy to answer in a country such as Swaziland, where the parties concerned have to be constantly on the lookout because the law is not on their side.

Perhaps it may be necessary to qualify the description of SS as an underground organisation. The reality is that this organisation operates freely and is accordingly registered with the Swaziland government under the Companies Act. SS is, however, an underground organisation in the sense that its real political intentions have not yet been made known. There are indicators that sooner rather than later this cultural organisation will metamorphose and thus, in my own estimation, declare its true *raison d'être*, which has remained at least partially obscure since 1996.

At the theoretical level, the analysis relies heavily on literature on third-wave democracies as reported by Alfred Stepan and Juan J. Linz. Their five mutually enforcing conditions for a consolidated democracy were found useful. These are:

- free and lively civil society;
- autonomous political society;
- prevalence of the rule of law;

- a usable state bureaucracy; and
- an institutionalised economic society.

When Swaziland's Tinkhundla system is measured against these standards, it becomes clear that much still needs to be achieved.

Challenges for social science scholars and researchers in the Swaziland case are vast indeed. Questions, for example, include:

- Why and how do underground political parties continue to thrive in such a hostile environment?
- What is the ideological blueprint of Swazi political power?
- Is this ideological position workable in a context of global human rights, or even in the era of Nepad and a stronger SADC?

It is the belief of this author that Swaziland cannot maintain its present position forever, and that certain concessions will have to be made. The question is: Which concessions, and how should the political playing-field be levelled, if this is at all possible? This is the concern that has guided the recommendations of this study.

SOCIO-ECONOMIC CONTEXT ANALYSIS

The Central Statistical Office (CSO) reported a slowdown in the last quarter of 2004 in price increases for alcohol, tobacco, food, clothing and footwear. The overall consumer price index (CPI), or inflation rate, decreased slightly from 3.32% in September 2003 to 3.12% in September 2004. The rate of increase of food prices declined from 5.58% in August 2004 to 4.84% in September 2004. The rate for alcohol and tobacco decreased from 8.56% to 8.33%, while that for clothing and footwear declined from 0.99% to 0.72%. Household operations declined from 3.85% to 3.28%.

The CSO report states that the low-income bracket recorded a net of 3.60%, while middle- and high-income groups stood at 3.06%. The report explains that the positive rate recorded has been sustained due to higher annual rates of increases in the price indices for fuel and power, housing, health care, transport and communication. In real terms the rates stood as follows: housing (5.28%); fuel and power (4.34%); health care (1.49%); and transport and communication (1.82%).

The persistent increases in world oil prices might have a negative impact on the country's economy as the prices of other goods are expected to increase as well, thus affecting the buying power of the Swazi currency, the lilangeni. However, the negative effects of these increases are cushioned by the linkage of the lilangeni to the South African rand. At the end of 2004 the exchange rate was 5.2 Emalangeni to the US\$. In the last quarter of 2004 the prime rate stood at 11%, while the mortgage and bank rates were both 9.5%. The sugar industry, which is the main foreign exchange earner, will be affected by the recent decision backed by the World Trade Organisation to reduce world sugar prices by an average of some 37%. The African Growth Opportunity Act (Agoa) has been renewed by the US government, thus allaying fears that the textile industry in Swaziland might close down or relocate. The textile industry has since become a sizeable employment sector for the semi-skilled female population. This industry, dominated mainly by investors from Asian countries, pays little attention to the adherence of Swaziland's labour laws insofar as the welfare of the workers is concerned. Despite a five-year tax holiday, Swaziland's favourable infrastructure and the benefit of Agoa, there

is no evidence that the Asian investors' favourable position has benefited either the workers or the country in general. However, an even more damaging development was the opening of the US textile market to China at the end of 2004. This has led to the loss of a considerable Eastern investment in Swaziland and huge job losses for Swazi textile workers.

In a recent policy speech, the Swazi prime minister noted that the country had been financing its operations with borrowed money and had, at the same time, been exhausting its external reserves. This resulted in an increase in the deficit level, with a decline of 10% forecast for the fiscal year 2006 / 07.

While the business community remains hopeful that the country might become investor friendly following the strides it has taken in restoring the rule of law and finalising its new constitution, the king needs now to take serious decisions if further progress is to be made. The government is expected to re-evaluate and identify the necessary incentives to attract foreign direct investment.

The prime minister has called for fiscal discipline and for priority to be given to investment in areas that might kick-start Swaziland's economy in order to put the country in a better position to address its pressing issues, which include:

- the realities of unemployment;
- HIV / Aids;
- food insecurity; and
- the plight of orphans and vulnerable children (OVC).

COUNTRY CONTEXT AND IMPLICATIONS FOR EXTERNAL REGULATION

Before Swaziland's independence, political parties were actively encouraged despite the strong misgivings of the Swazi king, Sobhuza II, and the Standing Committee of the Swazi National Council (SCSNC). These misgivings were based on developments elsewhere in Africa, where modern democratic imperatives had tended to undermine traditional authority. The position of Swaziland's aristocracy was that traditional African authority and institutions should not be threatened by the values of modern governance. The British colonial authority resident in Swaziland felt otherwise, and would not grant independence on the terms of the Swazi monarchy. The view was that political power should be contested and that parties should be allowed to operate freely.

After failing to convince the British government that he had the support of all his people through a well-orchestrated referendum, King Sobhuza II was advised to form the INM as a royal party in 1964. The INM gave the traditionalists a vehicle with which to challenge the existing political parties on their own terms. The INM also claimed its own legitimacy and strength on the basis of the prestige and largesse of the monarch. By 1963 Swaziland had a total of six political parties subscribing to different political ideologies, as well as a splinter formation derived from the first major nationalist party, the Swaziland Progressive Party (SPP), which had been founded and led by Dr John June Nquku, a trusted confidant of the king and an eminent educator of Zulu extraction. The SPP lost most of its strong membership to the NNLC, which had been formed as a protest against the leadership style of Nquku. By 1967 the SPP had become a shadow of itself, while the four other parties – the Swaziland Democratic Party (SDP), the Swaziland United Front (SUF), the Mbandzeni National Convention (MNC) and the United Swaziland Association (USA) – a whites-only party – were systematically swallowed up by the king's party, the INM.

The 1963 constitution legitimised parties through its comprehensive Bill of Rights. The major purpose of the 1963 constitution was to provide a transitional structure through which Swazis could play their role in

preparation for receiving independence on the Westminster model of parliamentary democracy. The INM won the legislative council elections of 1964 with a landslide, and continued to participate unhindered in the constitutional talks that led to the 1968 constitution. Political party activity thus continued beyond 1968, with the king's party occupying all seats in the bicameral parliament following the 1967 elections. However, the political landscape changed in 1972 when the NNLC, then the only visible opposition, won a modest three seats in the House of Assembly. The Swazi government challenged the citizenship of one NNLC member of parliament (MP), Bhekindlela Ngwenya. The case was lost on appeal. Prohibiting the operation of parties was not an option in terms of the 1968 constitution. Nor was it easy to amend the constitution for this purpose. The solution employed was the repeal of most of the 1968 constitution and the complete abrogation of its Bill of Rights.

In a well-prepared proclamation read on 12 April 1973, the king catalogued a litany of criticisms of the 1968 constitution. He said that the constitution had not been 'home grown' in the first place; this would have required all Swazis to have freely participated in its crafting. Other criticisms were that the constitution had failed to provide the machinery for good governance and the maintenance of peace and order; that the constitution had caused growing unrest and insecurity and was an impediment to free and progressive development in all spheres of life; and, finally, that the constitution had caused highly undesirable political practices to be imported that were incompatible with the Swazi way of life. The latter accusation was a direct reference to the liberalisation of political parties which King Sobhuza II had detested since pre-independence days. The king then assumed supreme legislative, executive and judicial powers, and said that he would exercise these with a council of ministers, which he would himself appoint. Parliament was thus dissolved.

Following this unprecedented 'royal coup of parliament', the king in 1973 set up a Royal Constitutional Review Commission whose terms of reference were to enquire into fundamental principles on which the Kingdom of Swaziland's future constitution should be based, having particular regard for the history, culture and way of life of the Swazi people, and the need to harmonise these with modern principles of constitutional and international

law. The 1973 commission operated in camera and did not present a formal report. Although there is no evidence that the king relied on the commission's recommendation when he introduced the 1978 Establishment of Parliament Order as law, it is safe to assume that the real architects of this order were the commissioners appointed in 1973 as all of them came from the king's (now banned) party, the INM. This 1978 order established the Tinkhundla system of government. Through another proclamation in 1981, the king decreed that Swaziland's political landscape would be based on the Tinkhundla system and that the country would continue to be a non-party state.

The entrenchment of the Tinkhundla system was not made through a referendum or any method that the free world could recognise as free and democratic. On the contrary, the Tinkhundla system was imposed through the 1978 order and the 1981 proclamation in a climate best described as a state of emergency brought on by the events of 12 April 1973. This imposition was followed by carefully designed national consultations in which the beliefs and powers of the monarchy, which encapsulated the country's national values and ethos, were favourably contrasted with the eventual intention of political parties to challenge and destabilise the authority and prestige of the monarchy. After King Sobhuza's death in 1982, Mswati III succeeded to the monarchy on his majority in 1986 and promised to follow in his father's footsteps.

The intensification of the democratisation spirit in the late-1980s compelled the young king to set up several national consultations in order to gauge the feelings of the nation on matters of democracy, good governance and economic development. Following a loosely structured constitutional commission led by Prince Masitsela, King Mswati III appointed his second constitutional committee in 1992. This was officially named the Tinkhundla Review Commission (TRC). The TRC recommended that Swaziland was not yet ready for party politics. The idea should, however, be tested again in the near future.

Set up in 1996, the Constitutional Review Commission (CRC) reported in 2000 that the Swazi nation 'recommended that political parties must remain banned in Swaziland'. The CRC then recommended that the existing laws regarding this position should be enforced. It is important to note that the

terms of reference of both the TRC and the CRC forced advocates of political parties to boycott both exercises. In both the commissions, group representations were not allowed and media coverage of submissions was prohibited. These conditions were seen by the banned political parties as a clear effort to perpetuate the status quo without any checks and balances.

The Constitution Drafting Committee (CDC) appointed in 2001 to write a new constitution for Swaziland reported on 4 October 2004 that more than 80% of Swazis who had made submissions on the draft constitution were opposed to political parties. This statement was challenged by all the country's pro-democracy organisations, including civil society bodies. It is significant that all King Mswati III's commissions aimed at political reform were led by his brothers. Only the CRC was led by a distant prince, whose father had served as the 'Authorised Person' during the minority years of the new king and after the Queen Regent had been deposed. Princes Masitsela, Mahlale'ngangeni, Guduza and David were sons of Sobhuza II. It was their findings that ensured that in the new constitutional dispensation political parties would continue to have no role to play.

The 2004 Constitution of Swaziland Bill had carefully entrenched the absolute authority of the king by elevating Swazi law and custom above any modern democratic ideals. This is despite the wording of section 80, which describes Swaziland as a democratic, participatory, Tinkhundla-based county that devolves state power from the central government to Tinkhundla areas. This section also notes that individual merit shall be the basis for election or appointment to public office. Despite the fact that the NNLC president, Obed Dlamini, won a seat in the House of Assembly representing the Nhlambeni Inkhundla, and the fact that other political party enthusiasts coming mainly from the SS cultural formation were also represented, section 80 has not been debated by both houses of parliament. Whereas section 80 of the bill is now section 79 in the recently passed Constitution of the Kingdom of Swaziland, the wording remains the same as that in the bill. The section was passed as it is in July 2005.

A PROFILE OF THE UNDERGROUND POLITICAL MOVEMENTS

The NNLC went underground immediately after the king banned political parties in 1973. Other parties had been dissolved prior to the 1967 election,

and there is no evidence of any other party being established between 1968 and 1973. The ban was therefore felt by the main opposition, the NNLC, while the INM continued to wield power in everything but name. Decrees 11, 12 and 13 of the king's 1973 proclamation not only outlawed political parties but also criminalised their activities. Dr Ambrose Pheseyi Zwane, president of the NNLC, was the only one to challenge the king's action. His protests were covered by the South African press, especially the *Rand Daily Mail*. For his opposition, Zwane was subjected to a series of detentions without trial. He eventually escaped between the expiry and the renewal of a detention order, and left Swaziland via Mozambique to seek refuge in Tanzania. The intervention of then Tanzanian President Julius Nyerere resulted in a royal pardon, coupled with an official warning that Zwane should abide by the laws of Swaziland and not agitate for the legalisation of political parties. Party politics thus suffered a major paralysis between 1973 and 1983. The return of Zwane from exile led neither to the revival of the NNLC nor even to the party's sustained underground existence.

When Dr Zwane died in 1997, he was buried in a colourful ceremony characterised by strong politicking and an obvious sense of desire to revive the party under a new leadership. His casket was covered with the party's flag bearing the traditional pan-African colours of yellow, green and black. Engulfed perhaps with the spirit of loss, and the ideals for which its leader, Dr Zwane, had stood for many years, the NNLC decided to ignore its ban and to set up an interim executive committee to draw up a new constitution for the party. This came into effect on 18 October 1998. In November 1998 the NNLC held its first national conference of delegates at Waterford Kamhlaba, outside Mbabane, to elect a new leadership. The revival of the NNLC in the late 1990s could be attributed to two factors:

- the passing of Dr Ambrose Zwane who, because of his ill-health since his return from exile and the conditions imposed by the monarchy for his return, was unable to oppose the establishment freely and vigorously; and
- the growing national tensions between the Swazi state, the Swazi government and the labour movement.

Mass action and peaceful demonstrations were met with police violence,

which in one case in the 1997 skirmishes led to the fatal shooting of a little girl in the outskirts of Manzini. The NNLC then sought to add its voice to the calls by the progressive movement for the democratisation of Swaziland.

Pudemo was formed in July 1983 during the political upheavals caused by the Liqoqo regime, which had called itself 'The Supreme Council of State'. The Liqoqo wielded violent power immediately after the death of King Sobhuza II in August 1982. It was its style of leadership – the negative effects of which climaxed in the legitimate Queen Regent, Dzeliwe Shongwe, being deposed – that caused extreme national disharmony and royal intrigue at the palace. Pudemo became a serious challenger of the Liqoqo tactics, and at the same time called for the return of democracy in Swaziland. Pudemo suffered severe bruises from the Liqoqo regime, but many Swazis, surprised and baffled by Liqoqo's show of power, sympathised with Pudemo. The pool of supporters came mainly from the youth (university, college and high school students), the intelligentsia and the labour force.

The rise of Pudemo in 1983 was followed by the formation of other smaller parties. The Swaziland Liberation Movement was founded by an exiled prince in London and later aligned its objectives with those of Pudemo. The Swaziland National Front (Swanafro) was another smaller party established by a businessman. The Swaziland National Progressive Party (SNPP) was started by another individual. Both Swanafro and the SNPP failed to win popular support. Their current membership is limited to the founding personalities and their immediate families.

SS was formed in 1996 ostensibly to counter the growing anti-monarchy sentiment allegedly propagated by the trade union movement – on the ranks of whose members Pudemo was founded. SS was registered as a cultural organisation, but did not hide its political intentions should party politics be legalised in Swaziland.

Whereas the formation of SS was hailed by sympathisers of the status quo as a welcome development, the organisation has over the years shifted from being a purely cultural formation – geared to popularising and shielding the monarchy from criticism by progressive organisations – to being a quasi-political and uncompromising stronghold that is not afraid to comment on

sensitive political developments. This paradigm shift has not been received with kindness by the powers-that-be, which now suspect that the ulterior political motives of the cultural group are more dangerous than those of the known underground organisations, whose intentions can be anticipated. The support base of SS is wide, and includes members of the most conservative cadre in the traditional mainstream.

INTERNAL FUNCTIONING AND STRUCTURE: SUMMARY OF FINDINGS

This study has focused on the operations of the NNLC, Pudemo and SS. In this section I attempt a comparative analysis of the operations of these organisations based on common themes. The purpose is not to indicate the diversity of goals and objectives, but to record the reality of strong, neglected political voices that need to be heard and encouraged if they are to be effective in introducing sound democratic ideals without negating the pervasive traditional sense that defines Swazi power. I begin with the objectives of each of the organisations.

AIMS AND OBJECTIVES

The objectives of the NNLC are spelled out in article 2 of its 1998 constitution as, *inter alia*:

- 2.1 To liberate 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;
- 2.2 To eradicate all forms of discrimination on the basis of ancestry, race, language, creed, sex, social standing, physical impairment, etc, and to create a democratic society in which all have equal opportunities of self-advancement and realisation;
- 2.3 To restore a multi-party 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;
- 2.5 To promote national unity and consciousness in the whole nation by bringing about harmony between the people and the traditional leaders, and to fight against cultural practices which serve to oppress and exploit the masses.

Some of the aims and objectives of Pudemo are listed in article 2 of its 2001 constitution as follows:

- 2.1 To unite all the people of Swaziland for the full liberation of the country from national, gender and class oppression and all forms of discrimination;
- 2.2 To destroy the Tinkhundla system in all its forms and transform Swaziland as soon as possible into a united, non-racial, non-sexist and democratic country based on the principles of the People's Manifesto and the pursuit of a national democratic revolution;
- 2.4 To fight for social justice and to eliminate the huge inequalities created by Tinkhundla and the whole system of national and social oppression. The People's Manifesto as amended in 1996 records the mission of Pudemo in the following terms:

'We are a political movement committed to the creation, protection and promotion of: a constitutional multi-party democracy, a transparent and accountable government, an environment conducive to economic growth and empowerment and to the development of a culturally vibrant and tolerant society based on maximum participation and respect of the will of the people.'

The constitution of the SS spells out the cultural organisation's objectives in section 3. The crucial ones for this analysis are the following:

- 3.1 To protect and conserve Swazi heritage in all its forms from indiscriminate degradation, contempt and ridicule and to facilitate changes thereto where such are necessary;
- 3.2 To promote and educate people on Swazi heritage, its values and meaning to the composition of Swazi society and the identity of the Swazis as a nation; ...

3.4 To promote friendship and tolerance between political, social, civil and other formations.

Both Pudemo and the NNLC perceive the status quo as undemocratic, discriminatory, nepotistic and oppressive. In articles 2.1 and 2.5, the NNLC alludes to the fact that Swaziland's cultural and traditional practices are the major obstacles to the attainment of full liberation. According to article 2.4 of Pudemo's constitution, the Tinkhundla system of government has created 'huge inequalities' in Swaziland. The existence of inequalities is also underscored by the NNLC in article 2.2 of its constitution, which lists seven obstacles to a non-discriminatory dispensation. These are ancestral origin, race, language, creed, sex, social standing and physical impairment. Ancestral origin is perhaps not a common feature referred to in constitutions or democratic statements. The NNLC included it because of the Dlamini (being the family name of Swazi kings) aristocracy which defines Swazi hierarchy and privilege. Tribal inequities also exist at chiefdom levels where, in a post-1986 trend, sons of the late King Sobhuza II are imposed as chiefs under the guise that such an arrangement was approved by Sobhuza himself before he died. In the majority of cases such impositions have caused social disharmony and tensions in the affected chiefdoms. It is therefore obvious that by citing problems of ancestry as problematical, the NNLC had 'Dlaminism' in mind.

Pudemo blames all atrocities on the Tinkhundla system, which, it believes, needs to be destroyed or uprooted. The two organisations make no mention of the institution of the monarchy *per se* as a symbol of unity for all Swazis. It would seem that they perceive this institution as a major obstacle, if not a challenge, but would not commit themselves on how they would transform it in order to conform to the democratic ideals both organisations espouse. Both organisations aspire to bring about economic prosperity for the entire Swazi nation. While the NNLC makes no mention of the labour force, which was its strongest base in the 1960s and 1970s, Pudemo desires to '... build and popularise working class consciousness and rally all social forces for change behind this revolutionary form of consciousness'. Pudemo's expressed methodology begins with uniting the people of Swaziland for the realisation of their full liberation. The language used by Pudemo is revolutionary and urgent. Key words in the aims and objectives are: unite,

destroy, build (twice), fight (twice), mobilise, support and identify. The NNLC's key words are: liberate (twice), eradicate, restore, promote (three times), support (twice), and recognise. The strategy of struggle for Pudemo will culminate in the '... consolidation of all democratic forces and gains which shall result in the dismantling of the Tinkhundla system and the eventual seizure of power by the people'.⁵

The SS, on the other hand, arose in 1996 to provide a middle-ground voice by appealing to the traditional sensibilities of all Swazis. The popularity of the monarch was at stake in the mid-1990s as the trade union movement had become a voice of the unrepresented, demanding massive political reforms through both internal action movements and external pressure from the International Labour Organisation.

When the SS was launched, it was clear that it had targeted the growing voice of the labour movement. Using the strategy of upholding cultural institutions and heritage, the organisation won the hearts of traditionalists by parading an unswerving patriotism in its motto 'Sibahle Sinje', meaning 'we are beautiful as we are'. The SS constitution emphasises Swazi heritage, which it defines as '... the institution of the monarchy (Ingwenyama) including its appointment and powers; traditional dress/attire; Swazi symbols including the flag, cities, streets and environment species including animals; the history of the kingdom of Swaziland; insignia; coat of arms; maps; names of places; and traditional dances and ceremonies.'⁶

The first successful mass action organised by the Swaziland Federation of Trade Unions (SFTU) was staged in February 1995. Public rhetoric, especially among the striking workers, indicated growing distress with the monarchy and its lavish expenditure. The Swazi flag was lowered by a striking mob and burned near the Manzini post office, while a number of enthusiastic wildcat anti-monarchy strikers called for a move to send the Swazi king into exile. Meanwhile, the popularity of the secretary-general of the SFTU had reached such heights that he was carried shoulder high during rallies and was often greeted with what the authorities considered a traditional royal salute reserved for the Swazi king. This sudden show of respect for an ordinary Swazi was seen as a threat to the sacred rights and privileges of the king.

The SS arose to restore the fast-fading 'shadow' of the king, hence objective 3.1 of its constitution states that the organisation shall '... protect and conserve Swazi heritage in all its forms from indiscriminate degradation, contempt and ridicule and facilitate changes thereto where such are necessary'. The key operative words of SS are: protect, conserve, promote (three times) and educate.

As indicated above, the original wholesale support of the monarchy has dwindled substantially as leading members of SS have fearlessly questioned some decisions of government. A recent example was the organisation's comment on the rule of law saga, the solution to which appeared to be sabotaged by the monarchy itself against sterling moves taken by the Swazi government. In a 20 November 2004 statement, SS questioned the decisions of the monarchy on the rule of law in the following terms:

'We have always supported royal initiatives such as the constitutional process and participated fully in it as well as the election process. We did so notwithstanding reservations we had on some of these processes. It has become clear that the problem of the rule of law is not caused by the Swaziland government ... We all know as a nation the problems the issue of the rule of law has caused, and that the problem is in the royal household. We, who have defended the institution so strongly, even turning against our fellow Swazis in the 1990s, now feel totally betrayed. If the issue of the rule of law is not solved, the Swazi nation will face international hostility as a result of decisions from the throne... . As a country, we have moved backwards immeasurably. If the institution of the monarchy has to survive in Swaziland, it needs urgent self-appraisal. In the minds of many Swazis, conservatives or not, it is fast becoming politically irrelevant. It is in the interest of this nation and to us in Sive Siyinqaba that we protect this very important Swazi heritage from extinction and this is why we point in clear language to the pitfalls leading to its extinction. We as a nation treasure this heritage and own this institution and should not allow it to perish by watching it being desecrated by self-consumption... . Our peace-loving citizens may be compelled to invoke unheard of different methods

of resolution of disputes. Once there, there will be no reversing. Peaceful as Swazis may be, even they can say “enough is enough”.’⁷

It is relevant to repeat that SS is to all intents and purposes a political party in the waiting. It is already working on a constitution which will transform the organisation from being a purely cultural formation to a fully fledged political party. It is not yet opportune to provide detailed information about this latest development. Viewed from the standpoint of a cultural organisation as defined by its constitution, SS is a right-wing, arguably conformist organisation geared to protecting the monarchy and all its institutions against the ridicule and contempt of some progressive elements. In practice, the organisation’s politics have shifted more to the centre, carefully criticising the government and the monarchy in a reconciliatory tone. The 20 November 2004 statement was viewed by some as militant and threatening, perhaps suggestive of a leftist propensity in SS. The editor of *The Weekend Observer*, Wilton Mamba, felt that the organisation was ‘beating war drums’. Mamba observed that the statement was full of hatred:

‘... for the powers that be that had been suppressed too long are suddenly erupting like a volcano. This barely sounds like the organisation that, for years, has fought tooth and nail trying to convince critics that it aspired for no more than the preservation of the country’s culture and tradition... . You only have to look at how prominent members of the organisation were recently jettisoned by the system, to understand Sibahle’s anger. While it has claimed to have the interest of culture and tradition at heart, it has all along been positioning itself to book front seats in case the country ushers in a new political dispensation...’⁸

The NNLC and Pudemo are clearly left-wing, with the NNLC moderately leftist in its approach. Both parties claim to fight against poverty and the oppression of women and children, with Pudemo’s strategy more pronounced and revolutionary, as depicted in the following quotation:

‘There are unchanging principles for our movement which can be summed up as follows: First, the emancipation of the people

can only be achieved through the act of the people themselves. Second, the emancipation of the people means the destruction of the Tinkhundla system of government and its replacement by the institutions of a democratic system. Third, the economic and gender disparities created and perpetually regenerated by Tinkhundla can only be overcome by the creation of a new and democratic system, meaning a total break with the prevailing ideas in society.⁹

Pan-African in spirit, the NNLC seeks to 'promote and support efforts towards achieving African unity, dignity and consciousness... to recognise and be part of the regional, continental and world bodies, while protecting the sovereignty of Swaziland'.¹⁰ On the other hand, the socialist democratic Pudemo seeks to 'identify itself with, and actively participate in, the struggles of all oppressed people throughout the world in pursuit of national liberation, people-centred development, protection of the environment, disarmament, global economic justice, world peace and international solidarity in general'.¹¹

The NNLC was established as a result of dissatisfaction within the SPP leadership. Its founding leader, Dr Ambrose Zwane, a physician, trained in South Africa with some of the leading freedom fighters in the youth wing of the African National Congress and the Pan Africanist Congress. He came back to Swaziland with a strong sense of pan-Africanism, and then garnered his initial support among the working peasants and labourers.

On the other hand, Pudemo's vision was initially precipitated by the political turmoil that followed the death of King Sobhuza II. While rallying for the downfall of the Liqoqo regime, Pudemo called for a democratic dispensation and a new Swaziland constitution with level playing fields. As a post-1978 formation, Pudemo could not but be disillusioned by the royal imposition of the Tinkhundla system of government, which it saw as the root cause of the perpetuation of social injustice in Swaziland. The support for Pudemo was drawn from the young and educated as well as the labour force. In a recently published statement purportedly from the Swaziland Youth Congress (Swayoco), the youth wing of Pudemo declared that hundreds of its members are found in the workplace, schools, communities, rural areas, churches and all sectors of society. Swayoco's strategy emphasises working

class leadership. Explaining who the real enemy of democracy in Swaziland is, Swayoco said:

‘We have characterised the real enemy as being the Tinkhundla regime. In essence, Tinkhundla is a semi-feudal and neo-colonial system comprised of three constituent components: traditional aristocracy; comprador bourgeoisie; and international capital. We are struggling against Tinkhundla’s capitalism, which is a unity of parasitic elements of capitalist exploitation secured by imperialism, on one hand, and backward, primitive and oppressive elements of feudalism, on the other. In this regard, the institution of the monarchy is an agent of imperialism, responsible for the creation of juicy conditions (cheap labour) for the maximum profitability from workers...’¹²

SS arose to counter the industrial actions of the mid-1990s which it perceived to be politically motivated and bent on destroying the monarchy and its institutions. SS sought to provide a platform for the silent population which had elected to differ from the radical tactics espoused by the labour movement. The organisation appealed strongly to the traditionalist camp.

All three organisations have well-written constitutions which define their aims and objectives, including the line of command from specialised constituencies such as youth and women, to branch and regional structures and eventually to national executives and congresses or conventions. Change of leadership ranges from once every three years to once every four years. Since SS was established in 1996, the change of leadership has been visible indeed. There have been four chairpersons – including a woman – of the organisation so far, including the interim national executive and the current one. The annual congresses or conventions are the main policy-making bodies.

Party registers for the NNLC and Pudemo are kept by their respective secretariats, with access to them being restricted. SS has both visible and not so visible memberships, with the register of the visible membership being accessible. Our research indicated that the combined membership of the three organisations totals some 140,000 and includes a female representation of

38%. Pudemo claims to have increased its women's wing substantially in the latter half of 2004. Recruitment drives are in place in both Pudemo and the NNLC, while SS accepts what it calls 'individual voluntary initiative'. SS relies on its visibility and the fact that it has been a legally registered cultural organisation since 1996 – this having given it a privileged position and uncensored and wide media coverage of its activities.

Pudemo and the NNLC boycotted the 1998 national elections, citing the undemocratic political landscape as the major reason. However, due to the anticipated constitution debate in 2004, the NNLC encouraged its members to stand for election in 2003. Although the NNLC president won in his constituency, he did not contribute much to the subsequent debate of the 2004 Constitution Bill. Certain sections that enshrined the status quo and compromised the existence of parties were left unchallenged. SS, however, has never boycotted national elections. In the current parliament the organisation is adequately represented in both houses. The strategic advantage of this presence is not yet clear, but some of the organisation's MPs command considerable respect in parliament.

Pudemo and the NNLC have internal alliances with the Swaziland Democratic Alliance (SDA), a formation that sprouted in 1996, made significant headlines then, and climaxed in organising a rally of all internal progressive forces outside the borders of Swaziland in Nelspruit, situated in South Africa's Mpumalanga province. Both organisations have aligned themselves with the National Constitutional Assembly (NCA), a structure that is a brainchild of the Open Society Initiative of Southern Africa, with the aim of calling upon all Swazis to unite in the formation of a new constitution for Swaziland. The NCA rejects the constitutional dispensation stage-managed by the king and almost reaching completion on the grounds that it was not inclusive and is therefore legally null and void.

Pudemo and the NNLC enjoy friendly relations with the trade union movement and some indigenous business coalitions and civic formations. A challenge to the constitutional process filed by Pudemo, the NNLC, SFTU and the Swazi Federation of Labour to the full bench of the High Court did not see the light of day. Pudemo and the NNLC were questioned on their illegal status in Swaziland, while the two labour unions could not

demonstrate that they had the mandate of their membership to file the court case. Predictable as the outcome of the case was, the judgment stands as a symbol of state hostility to the operation of political parties, and indeed to any other challenge to the reform agenda spearheaded by the king.

AN ANALYSIS OF DEVELOPMENTS IN THE POST-1973 PERIOD

The decade of the 1990s, following the collapse of the Soviet bloc and the end of the Cold War, was replete with a number of studies on and new approaches to democracy. This was necessitated by the impending changes in Eastern Europe after 1989.¹³ Alfred Stepan and Juan J. Linz,¹⁴ among others, talked of ‘third wave democracies’ and asked, in the context of democratic transition and consolidation, what conditions should prevail in the circumstances. They agreed, first, that a democracy could only be consolidated in a state, as the existence of a state was the only context in which citizens’ rights could be protected and the rule of law properly exercised. Second, they recognised the importance of free and contested elections, after which the winning party would have full power to determine a policy based on a mandate freely given to it by the electorate. Third, Stepan and Linz¹⁵ argued that it was imperative for a democratically elected regime to govern democratically. If the elected rulers, they said, ‘infringe the constitution, violate the rights of individuals and minorities, impinge upon the legitimate functions of the legislature, and thus fail to rule within the bounds of a state of law, their regimes are not democracies’. Furthermore, the authors advanced a working definition of a consolidated democracy in the following three descriptive terms:

Behaviourally, a democratic regime in a territory is consolidated when no significant national, social, economic, political or institutional actors spend significant resources attempting to achieve their objectives by creating a non-democratic regime or by seceding from the state.

Attitudinally, a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, hold the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for anti-system alternatives is quite small or more-or-less isolated from pro-democratic forces.

Constitutionally, a democratic regime is consolidated when governmental and non-governmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures and institutions sanctioned by the new democratic process.’¹⁶

The authors then identify five ‘mutually enforcing conditions’ within a functioning state that make it possible for democracy to thrive. These are:

- a free and lively civil society;
- an autonomous political society;
- the presence of the rule of law that protects ‘individual freedoms and associational life’ to be obeyed by all political players in government and all state apparatus;
- a state bureaucracy that is usable by the new democratic government; and
- an institutionalised economic society.¹⁷

This study, while interested in all the mutually reinforcing conditions of democracy suggested by Stepan and Linz, is limited to the role of the political community (society) and civil society in the attempts at democratisation of the Swazi state since 1973.

The pre-independence constitutional developments of Swaziland indicate that political parties were actively encouraged to exist despite the deep-seated misgivings of the Swazi monarch, King Sobhuza II, and the SCSNC. The uneasiness of the king was based on what had been witnessed elsewhere in Africa, namely, that modern democratic imperatives tended to undermine traditional authority.¹⁸ Sobhuza II’s position was that Africa’s traditional institutions, including traditional authority, should be superior to the received forms of modern governance. But the major challenge to traditional authority, according to Subhuza II, was the existence of party politics.

After failing to convince the British colonial government that Swazis were ready to receive independence on the basis of the Swazi monarchy system,¹⁹ the Swazi king established a party, the INM, on 16 April 1964. Wanda explains:

'The creation of the *Imbokodvo National Movement* gave the traditionalists a vehicle by which they could challenge the political parties on their own terms but with the power and prestige of the monarchy solidly behind them. But the decision of the king to enter politics in this way was sharply criticised by the British Resident Commissioner, who pointed out, *inter alia*, that if the king's movement obtained control of the government the king would be in a powerful and safe position for that time but if at a later date that party was replaced by a rival the king would find himself cast aside.'²⁰

The resident commissioner's warning was not heeded by the Swazi king for very obvious reasons. The king enjoyed high esteem and the respect of his people who all along looked up to him for any innovative changes in the political developments of Swaziland. His stature was further enhanced by the fact that he was reasonably educated and, as such, understood the various trials Africa was going through. He commanded respect also among the early African nationalists as a firm supporter of the pan-African movement.

But Sobhuza's appeal for receiving independence the traditional way did not quite appeal to the educated elite of the time, a majority of whom had experienced the pan-African spirit outside the borders of the Swazi kingdom. The leaders of the political parties were loyal to the king and his traditional function as custodian of Swazi traditions and customs. They differed with him only on matters of modern governance, which Sobhuza insisted should be subject to the traditional dispensation. By 1963, Swaziland had seven political parties subscribing to different political ideologies, while others were splinter formations from the first major party, the Swaziland Progressive Party (SPP). The SPP lost most of its strong membership to the NNLC and by 1967 hardly existed. The other parties were swallowed up by INM, while the whites-only formation disintegrated as it became irrelevant over the years.

The first modern constitution of Swaziland²¹ came into effect in 1963. Two major innovations came with this document. First, was a bill of rights which carried an enforcement clause. This recognised fundamental rights and liberties of the individual, including the freedoms of association and assembly. Political parties were thus allowed under the bill. The second

innovation was the establishment of an executive council and a legislative council.²² Since the king's name featured prominently in the 1963 plebiscite which was designed to test the Swazis' loyalty to the king and their rejection or otherwise of political parties, in the 1964 legislative council elections, as well as in the 1967 independence elections, national sentiment favoured the king's position. Those who subscribed to political parties were considered enemies of the king.²³

Political party activity, although though this was not strong, was permitted by law in the period from 1963 to 1973. As indicated above, the ruling aristocracy did not favour this arrangement because it left political power and legitimacy to the whims of time instead of consolidating all political power with the Swazi king and *Ngwenyama*.²⁴ Real independence, to Sobhuza II, meant:

'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.'²⁵

The king's intentions were not so obvious in the 1973 proclamation until one discovered that it was not the entire independence constitution that was under attack. In fact, it was the growing strength of the opposition that worried the king and his Swazi National Council. Proscribing party operation in terms of the constitution was not an option; nor was it all that easy to amend a constitutional provision. The way out was to repeal the independence constitution with some reservations, which did not include the Bill of Rights enshrined in Chapter 2 of the constitution. The Swazi monarch then catalogued a few shortcomings of the constitution, briefly arguing that the constitution was the major source of national confusion. The king charged as follows:

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

- (b) 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) 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.

In the third paragraph of the proclamation, the Swazi king assumed all supreme power in the Kingdom of Swaziland. He gave himself legislative, executive and judicial powers, which he would exercise with a self-appointed Council of Ministers.²⁶

Stepan and Linz,²⁷ referred to above, mention civil society and political society as two of the five reinforcing conditions without which a consolidated democracy is not possible. Civil society comprises organised and relatively autonomous groupings that espouse a definable value system. These formations have their own interests, which they advance to the larger society for possible adoption, or to sway certain policies. Political society, on the other hand, comprises those groupings that espouse definable political objectives and join the contest for public power with a clear view of how they would govern and rule if voted into office. According to Stepan and Linz:

‘Democratic consolidation requires that citizens develop an appreciation for the core institutions of a democratic political society – political parties, legislatures, elections, electoral rules, political leadership, and interparty alliances.’²⁸

If these ideals of a democratic political regime were the ones pervading the 1963 and 1968 constitutions, the Swazi ruling aristocracy was not only critical of their effect on the Swazi political ethos but also had an alternative strategy.

This has taken more than 30 years to consolidate into a political landscape that has changed tremendously since 1973. It is, to say the least, doubtful whether Swaziland's own current definitions both of democracy and of the role of tradition and custom in a modern democratic state would be acceptable to the international community.

PARTY POLITICS SINCE 1973

This study has established that the major reasons for the repeal in April 1973 of the independence constitution was the threat posed by the major opposition of the time, the NNLC. King Sobhuza II may have looked ahead while remembering the words of the British resident commissioner, who had said that if the king's party lost an election in the future, the king's position would be in jeopardy. While the commissioner was warning the king against aligning himself with a particular political party, the king could not accept that there could be any political innovation in Swaziland without himself in the driving seat. Traditionalists would expect him to lead the change at all costs. The constitution 'created by ourselves for ourselves in complete liberty' from foreign pressures was to be stage-managed by the king and to derive its legitimacy from tradition, which was the only canon that would guide its direction. In the same year that he repealed the independence constitution, the king set up a Royal CRC, with members and terms of reference of his own choosing. The terms of reference, according to Hilda Kuper, were:

'To enquire into the fundamental principles on which the Kingdom of Swaziland's Constitution should be based, having regard to the history, the culture, the way of life of the people of Swaziland, and the need to harmonise these with the modern principles of constitutional and international law.'^{29, 30}

This commission did not present a formal written report, although it may only be speculated that its findings formed the basis of the 1978 Establishment of Parliament Order and the 1978 Regional Councils Order. The type of government established by the 1978 order was the Tinkhundla system. The philosophy of Tinkhundla assumed that as each Inkhundla was a conglomeration of several chiefdoms, political debate could be held and developmental concerns could be addressed at grassroots level, involving

every citizen under that Inkhundla. In a 1981 proclamation, the king noted that national government 'shall be based on the Tinkhundla system' and that Swaziland 'shall continue to be a non-party state'.³¹ Tinkhundla was thus crafted by the Swazi monarch as an alternative to a political party regime.

After the Tinkhundla system had been introduced by royal decree, it was legitimised through carefully designed national consultations in which the reality and power of the *Ngwenyama* and king were contrasted with the loose structure of political parties, whose major objective was to challenge the autonomy and largesse of the Swazi king.

Each of the two constitutional review commissions, the TRC and the CRC, recommended against the re-establishment of political parties.³² However, it is important to point out that both the TRC and the CRC were openly boycotted by the country's progressive movements, especially the vocal and visible Pudemo and its youth wing, Swayoco.

Although a founding member of Pudemo was appointed to the TRC by the king, this member declined the appointment. While he cited 'personal reasons', it was well known that Pudemo had called for the repeal of the king's 1973 proclamation before any meaningful constitutional discussions could be held.³³ Furthermore, the terms of reference of the TRC did not allow for group submissions. This cycle of denial of group representation was again repeated when the CRC was set up. So, although, again, the president of Pudemo was appointed to the CRC by the king, the Pudemo representative declined the appointment because he would not be allowed to represent the official views of his party. The Constitution Drafting Committee, whose mandate extended to receiving people's views and encouraging debate on the draft constitution released in May 2003, was therefore able to report, on 4 October 2004, that the majority of Swazis were not in favour of political parties.

Section 80 of the 2004 Constitution of Swaziland Bill includes the words: 'The system of government for Swaziland is a democratic, participatory, *Tinkhundla*-based system which emphasises [both] devolution of state power from central government to *Tinkhundla* areas and individual merit as a basis for election or appointment to public office.' This section consolidates the wishes of the ruling aristocracy and completes the ideological onslaught on

political party activity in Swaziland. The section was not debated by parliament, whose membership includes individuals who strongly believe in multiparty democracy.³⁴ The bill went through both houses of parliament and was eventually signed into law after a handful of significant changes initiated by the king were incorporated without much ado from the legislature. The power and autonomy of parliament cannot be defined outside the direct control and manipulation of royalty, a legacy of the 12 April 1973 king's decrees.

**THE GROWTH AND WANING POWER OF THE UNDERGROUND
MOVEMENTS: SEARCH FOR ALTERNATIVES**

Decrees 11, 12 and 13 of 1973 were designed to outlaw political parties in Swaziland. They read as follows:

11. All political parties and similar bodies that cultivate and bring about disturbances and ill-feelings within the Nation are hereby dissolved and prohibited.³⁵
12. No meeting of a political nature and no procession or demonstration shall be held or take place in any public place unless with the prior written consent of the Commissioner of Police; and consent shall not be given if the Commissioner of Police has reason to believe that such meeting, procession or demonstration, is directly or indirectly related to political movements or the riotous assemblies which may disturb the peace or otherwise disturb the maintenance of law and order.
13. Any person who forms or attempts or conspires to form a political party or who organises or participates in any way in any meeting, procession or demonstration in contravention of this decree shall be guilty of an offence and liable, on conviction, to imprisonment not exceeding six months.³⁶

Although when he repealed the constitution in 1973, the king acted outside the law, there was no judicial challenge to his actions. Wanda notes:

'The legality of the king's action in repealing the Constitution, prompted and fuelled by a resolution of Parliament, is questionable. The issue was never brought to the courts for a more reflective and objective legal opinion.'^{37, 38}

The reason for this was that the 1973 decree also had a provision for the detention without charge of any person in the public interest for a renewable period of 60 days. The detention was determined by the king-in-council and was not challengeable in any court of law.³⁹

The NNLC immediately went underground as its founding president, Dr Ambrose Phesheya Zwane, suffered a series of detentions. Zwane eventually escaped from the country and sought exile in Tanzania. The intervention of then Tanzanian president, Julius Nyerere, resulted in a royal pardon and his return to Swaziland on condition that he agreed 'to abide by the laws of the country and never make any political party agitation'. As a result, the NNLC lost its zeal as an effective opposition for the ten years after 1973, during which time the Swazi masses had no political voice.

Pudemo was formed on 6 July 1983⁴⁰ by young university and high school students in response to the anarchy that followed the death of King Sobhuza II. The power of the Liqoqo regime was such that in 1983 it was able to depose the legitimate Queen Regent, Dzeliwe Shongwe, on the grounds that she refused to endorse the sweeping changes Liqoqo was making to the state machinery. Some members of the banned NNLC were instrumental in the founding of Pudemo. The siSwati name for Pudemo was *Insika Yenkhumuleko YemaSwati* (the Swazi People's Pillar of Freedom). When Pudemo was launched on 1 January 1985, it already had a 'Working Constitution', a 'Programme of Action', and a 'People's Manifesto'. Espousing a social democratic agenda, its manifesto states:

'As a democratic movement we are fully dedicated to creating a democratic Swaziland by giving power to the people and to bringing oppression and exploitation, nepotism and political favouritism and the growing fascism to an end.'

It is historically correct that the formation of Pudemo was precipitated by

the factional fighting in the royal palace, and especially the role of Liqoqo. It is significant to note that the founding members of Pudemo were students and members of the intelligentsia and the working class. Mass protests against the Liqoqo system of governance and the quick response of state machinery to condemn Pudemo by rounding up its key leaders, resulted in the popularisation of Pudemo when such a voice was much needed. Realising that the power of Pudemo was centred at the Kwaluseni campus of the University of Swaziland, the Liqoqo regime infiltrated student politics by sponsoring a visit by six non-students' representative council (SRC) members to Kenya to study student movements in that country under the guidance of the Kenya government. The major aim of Liqoqo was to set up an alternative SRC which would be pro-state and opposed to the demonstrations against the policies and operations of Liqoqo. The scheme did not see the light of day as the official SRC challenged the legitimacy of the six students to represent students' interests. At the end of August 1984 the SRC declared the six students dissidents, sparking off a series of confrontations on campus. Liqoqo also attempted to form a Swaziland National Association of Students as an alternative to the Swaziland National Union of Students. Meanwhile the university's autonomy as a centre of learning was greatly compromised when Liqoqo began a witch-hunt for Pudemo supporters among teachers, administrators and students. By 1989 Pudemo's resistance was growing by leaps and bounds due to the perceived failure of the young king to return democracy to the Swazis following his coronation. In a 1989 message to the nation, Pudemo said:

'Pudemo... is this year marking its fifth year in the struggle against the oppression of our people by an undemocratic and autocratic monarch. In this regard it should be well understood that Pudemo was not born for the sole purpose of fighting the Mfanasibili/Liqoqo regime but to fight all forms of oppression at all levels of our society... the objective conditions which brought about the founding of our movement remain strong today. The present regime did not only adopt the old forms of oppression and suppression but they inherited the methods and the laws of the notorious Mfanasibili/Liqoqo regime... It is for this reason that Pudemo still exists today although it now operates underground.'

A state crack-down on Pudemo in 1990 included charges of high treason against several of its leaders and police harassment of and physical violence against some of its followers. Pudemo meetings and demonstrations were broken up.

The student leaders who had founded Pudemo had graduated by the early 1990s. Some were in the private sector while others were in the civil service. Another group, which feared the consequences of being caught by the police, went into exile. The 1990 crack-down led to Swaziland becoming something of a SADC polecat, mainly because South Africa's apartheid regime, which had given the Swazi state its full backing, especially in the 1980s, was losing grip and the forces of democracy in South Africa were poised to triumph.

Pudemo's next strategy was to infiltrate the trade union movement. The SFTU became a major voice for the unrepresented when it tabled 'twenty-seven popular demands' to government. Among these were that workers should have full participation in a constitutional forum. The SFTU was thus calling for a new supreme law for the kingdom. The mandate of the SFTU, which had originally been restricted to labour issues, shifted to accommodate citizens' rights, human rights, political rights, cultural rights and economic rights.⁴¹ The SFTU adopted a creed which was similar in tone and substance to Pudemo's manifesto and strategies. The five points of the creed⁴² suggested that the workers had adopted a revolutionary stance:

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

the silent party as guilty as the perpetrator. In fact the silent party becomes an accomplice.

There is no evidence to suggest that the SFTU is carrying out the agenda of Pudemo, although individual members of Pudemo make up a sizeable proportion of the SFTU's ranks. Moreover, the SFTU's strategy of shifting from purely labour issues to political matters has popularised it both inside and outside the kingdom. In 2003/4 the SFTU showed a serious decline in strength and support due, in part, to what I had observed in an earlier study.⁴³ As a result of the rift in the organisation, some of the key affiliates like the Swaziland National Association of Civil Servants and the Swaziland Nurses' Association were suspended due to non-payment of subscription fees. There were indicators that some key leaders of the unions who are affiliated to the SFTU were experiencing weariness following the long leadership of the secretary-general. Whereas it has to be admitted that longevity in office has its drawbacks, it has to be noted that the secretary-general has been returned to office by the affiliates through a democratic process. Secondly, the power of the incumbent over the years might easily have obscured the claims of any other person for the position. But until somebody is identified who can take over the leadership, there is very little point in encouraging any form of weariness.

The visibility of Pudemo and the NNLC was blurred in 2004. However, the emergence of the NCA in late-2003 and its subsequent resolve to take the constitutional process to court became a rallying point for these parties. The Swaziland National Association of Teachers, which is not an affiliate of any of the two workers' federations in the country, gave much support to the NCA. But it was Pudemo, the NNLC, the SFTU and the Swaziland Federation of Labour – a splinter organisation from the SFTU – which finally went to court to challenge the constitutional process. The case has been finalised as indicated above, and it would seem that the judges acted independently when arriving at their ruling, thus allaying fears that royal power might compromise the judicial process on the matter.

RECOMMENDATIONS

For reasons made clear in the country context analysis, the external regulations and environment questionnaire is not relevant to the Swaziland situation. The following recommendations are therefore made with extreme caution and in the light of the ruling aristocracy's present hostility towards political parties. This hostility has percolated down to the broader society, especially the illiterate rural communities. Their reason for rejecting political parties is no more than that the king's power should not be challenged or questioned. Given the enormous hostilities, my own view is that Swaziland will have a chance of changing for the better – in the sense of embracing some of the basic ideals of democracy – only if the democratic movements adopt a range of carefully thought-out strategies. Even then, such strategies will not be realised without considerable opposition and sacrifices.

On a more promising note, it is important to note that although political parties are at present legally banned and although persecution by the state continues, as does the enforcement by the police of the 1963 Public Order Act, the underground movements continue to have their voices heard, both inside and outside Swaziland.

As already indicated, SS is currently working towards transforming itself into a political party so that it will be able to take up political activities if these are allowed in terms of the country's new constitution.

In addition to this development relating to SS, the internal functioning of some other organisations has informed the following recommendations:

- The organisations are run on a part-time and voluntary basis and in most cases without either an infrastructure or a central document store. Instead, documents are usually distributed among individual party executives, increasing the risk of poor management and loss of files. The organisations concerned therefore need full-time secretariats and space for office administration.

- ❑ It is difficult to recommend rotational leadership to underground organisations because part of what holds them together is the charisma of the founding leadership. However, it is curious that Pudemo has not changed its president since 1983. The NNLC elected its president in 1998, and although elections were supposed to be held again in 2001, these have not yet taken place – largely because of a present leadership hiatus, with only the president remaining in office. A new interim structure is now, however, in place ahead of a planned party congress later this year (2005). Present NNLC problems include some leaders being tempted to join other organisations when party goals are not realised. Stronger and more committed leaders therefore need to be elected who will be prepared to work towards the achievement of certain strategic objectives within a given time-frame.

- ❑ The voice of democracy will be heard only with the mobilisation of a strong democratic movement to embark on a sustained struggle. Such a movement should preferably not be associated with existing political organisations or the labour movement due to the failure of the 1996 SDA to mount the sustained programme necessary to force the establishment to come to the negotiating table. One reason for the SDA's failure has been its identification with certain personalities whose political persuasions are well known. Instead of being the brainchild of Pudemo or the SFTU, a mass democratic movement therefore needs to be mobilised from the general Swazi society and to take a neutral political stance when calling for a return of democracy to Swaziland. All the external and internal allies of the pro-democracy organisations need to come together to establish this strong mass democratic movement. For strategic purposes, it would be better if the known leaders of political parties and similar organisations did not take on leadership roles in the new movement.

- ❑ The call for a return to party politics needs to be made by the Swazi people and not by the state-managed process, which since 1973 has attempted to convince Swazi people that party politics is an evil that is not consistent with the Swazi way of life.

CONCLUSION

Although political parties have been banned in Swaziland since 1973, those who call for democratic reforms are advocating the existence of political parties. The existence of underground political movements shows that even draconian laws will not wish parties away. It also shows that the Swazi state may be sitting on a powder keg.⁴⁴ This study has described the long ideological warfare waged by the state on the party political consciousness of the Swazi people.

Indeed, all political reforms introduced by King Sobhuza II and, especially, by King Mswati III have been aimed at purging Swaziland of all party political persuasions. According to Bekithemba Khumalo:

'[W]e have seen that the scope and process of constitutional reform in Swaziland is at the discretion of the king. We have also seen that there is a clear preference for individuals who identify with the monarchy in terms of political orientation or status. Might this fact explain why the ruling elites always wind up with a post-reform system which is more amenable to their interests? On the face of it, yes. More importantly, however, political orientation and status play an even greater role in the interpretation of the scope of the mandate.'⁴⁵

This being said, the fact is that all reform processes have been the preserve of royalty in the sense that the king's brothers have been appointed to head the various commissions and all commissions have reported to the king. At the end of the day, therefore, the outcomes have conformed to a tradition that is understood and approved by royalty. Royalty uses the power of tradition to perpetuate itself. Equally, any ideological innovation not to the taste of royalty is rejected on the grounds that it violates Swazi law and custom. While the underground political movements see this as blatant abuse of power, the unsophisticated Swazis and some political opportunists continue to ensure the survival of the royal agenda.

Superficially, therefore, tradition is always seen to triumph over modernity, with power remaining centralised in the monarchy.

NOTES

- 1 The Kingdom of Swaziland, *Economic Review and Outlook 2002/03-2006/07*. Mbabane: Economic Planning Office, March 2004, p 36
- 2 See *The Constitution of Sive Siyinqaba Cultural Organisation*, section 3.1.
- 3 Halpern J, *South Africa's Hostages: Basutoland, Bechuanaland and Swaziland*. Maryland: Penguin Books, 1965.
- 4 Booth AR, *Swaziland: Tradition and Change in a Southern African Kingdom*. Colorado: Westview Press Booth, 1983.
- 5 See Pudemo, *Political and Strategic Perspectives*, section 3.1.
- 6 See, *The Constitution of Sive Siyinqaba Cultural Organisation*, section 2.1.
- 7 *Swazi News*, 20 November 2004, p 12.
- 8 *The Weekend Observer*, 20-21 November 2004, p 13.
- 9 Pudemo, *Political and Strategic Perspectives*, section 3.
- 10 NNLC, *Constitution*. As amended and adopted at the NNLC Special Conference, October 1998, articles 2.8 and 2.10.
- 11 *Ibid*, article 2.9.
- 12 *Times of Swaziland*, 29 December 29 2004, p 17.
- 13 See Huntington SP, Democracy for the long haul, *Journal of Democracy* 7(2), 1996, pp 3-13. Huntington explains: 'The changes taking place here in 1989 were, of course, part of the vast third wave of democratisation that had begun 15 years earlier in Southern Europe, and then moved on to Latin America and Asia. By 1989 this wave was in full flood, reaching its crest at the end of the year with the collapse of the communist regimes in Central and Eastern Europe, which was soon followed by the disintegration of the USSR.'
- 14 Lintz J & Stepan A, Toward consolidated democracies, *Journal of Democracy* 7(2), 1996.
- 15 *Ibid*, p 15.
- 16 *Ibid*, p 16.
- 17 *Ibid*, p 17.
- 18 See Wanda BP, The shaping of the modern constitution of Swaziland: A review of some social and historical factors, *Lesotho Law Journal* 6(1), 1990, pp 137-178. Wanda (p 152) points out that Sobhuza II and the traditional Swazi leaders '... wished at all costs to prevent Swaziland from taking the same political course. They feared that if a constitution based on the principle of one man, one vote were granted to Swaziland, political power would pass to so-called political agitators and extremist leaders who would pose a serious threat to traditional leadership as well as give rise to political unrest in the country'. See also Mzizi JB, *Voices of the Voiceless: Toward A Theology of Liberation For Post-Colonial Swaziland*. PhD dissertation, Vanderbilt University, 1995, pp 164-166. Halpern, op cit, p 341 articulates Sobhuza's belief as: 'If only we could extricate Africa from this idea of one man, one vote, I am sure we would have achieved our objectives.'
- 19 In a bid to convince the British resident commissioner that he had the full support of the Swazis, Sobhuza II successfully moved for the establishment of a carefully planned plebiscite in 1963. Using the symbols of the lion and the reindeer to represent royal support and political party support respectively, the outcome of the referendum was predetermined. No Swazi would support a strange, multi-horned animal like a reindeer

- over a lion, the traditional symbol of the power and efficacy of the Swazi monarch. The British were not impressed by the meaning of this result, hence they insisted that political parties should be the condition upon which any talks of independence may be possible.
- 20 Wanda, op cit, p 166.
- 21 Swaziland Order-in-Council, 1963.
- 22 The executive council was an advisory body for the resident commissioner, while the legislative council was expected to make laws in order to ensure good governance in Swaziland. Matters regulated by Swazi law and custom were left out of the ambit of the legislative council.
- 23 See Mzizi, *Voices for the Voiceless*, op cit, p 166. Mzizi explains: 'It was in 1964 that the distinction between true royalists and party mongers was introduced in the Swazi vocabulary. To be a party monger (*uyiphathi*) meant to be against the King (*Kulwa nebukhosi*), and very few Swazis were prepared to risk their lives with that label. The result of the plebiscite indicated that 122,000 out of 125,000 of the adult male population had voted for the "Lion", while only 154 voted for the reindeer.'
- 24 The symbol of *Ngwenyama* (lion) represents the King as head of all traditional institutions, including all matters under Swazi law and custom.
- 25 See paragraph 2(e) of Constitutional Law: King's Proclamation 12th April, 1973. Mbabane, 16 April 1973.
- 26 The powers of the king were further reaffirmed in Decree No. 1 of 1981, para 2 and Decree No. 1 of 1987, para 1.
- 27 Lintz & Stepan, op cit.
- 28 Ibid, p 17.
- 29 Kuper H, *Sobhuza II: Ngwenyama and King of Swaziland: The Story of an Hereditary Ruler and His Country*. New York: Africana Publishing Company, 1978, p 338.
- 30 Khumalo B, The politics of constitutional-making and constitutional pluralism in Swaziland since 1973, *UNISWA Research Journal* 10, 1996, p 5 observes that: 'Most of the members (of the Commission) were influential in the Imbokodvo National Movement and all had been involved in the events leading to the repeal of the constitution in one capacity or another ... the terms of reference set out above are remarkable in so far as they seek to chart a constitutional future for Swaziland which draws from the history and culture ... It must be noted that the scope of the mandate shows a clear understanding of the fundamental constitutional challenge being the need to devise a system that would accommodate the traditional and modern principles of constitutional law'.
- 31 See Section 8 of the King's Proclamation No. 1 of 1981. The non-party state was first created under the King's Proclamation of 12 April, 1973 and re-affirmed by the 1981 Proclamation.
- 32 The Tinkhundla Review Commission (1992) (TRC) recommended that Swaziland was not yet ready for party politics. The idea should be tested in the near future. The Constitutional Review Commission, *Final Report on the Submissions and Progress Report on the Project for the Recording and Codification of Swazi Law and Custom*, undated, circulated in 2000, p 95 said: 'An overwhelming majority of the nation recommends that political parties must remain banned. They do not want political parties in the Kingdom. There is an insignificant minority which recommends that political parties must be unbanned. The recommendation is that political parties must remain banned in the Kingdom. The existing laws regarding this position must be enforced.'

- 33 The Department of Political and Ideological Affairs of Pudemo produced a document titled *Political and Strategic Perspectives* in which Pudemo mapped out how it would dismantle the Tinkhundla regime. In section 4.1, the document records: 'The removal of the 1973 royal decree and the unbanning of political activity shall constitute a strategic victory for the movement, leading to the creation of political conditions which shall make it possible to pursue the objectives of the transfer of political power to the people through negotiations.' In sections 4.2.2 and 4.2.3 it advances the idea of a National Constitutional Assembly which '... constitutes one of the most pivotal developments in the process of revolutionary transformation of our society. We must strive to ensure that the constitution reflects the fundamental perspectives of the movement with regard to the nature of the state we seek and the institutions we require to address the objective of democracy, popular participation, national unity, accountability and transparency'.
- 34 The current president of the NNLC is an MP in the House of Assembly. The Assembly and the Senate have several members of the quasi-cultural group-cum-political organisation, Sive Siyinqaba, Sibahle Sinje which has been one of the focus groups of this study. The president of Sive Siyinqaba is in Senate. Members of the organisation show a great deal of parliamentary insight and contribute effectively to important debates, even if it means setting parliament against the king, as in the Royal Jet debate and the illegal payment of 28 million emalangeni (equivalent of ZAR) to the manufacturer. The deposit has not been recovered as yet, and the matter is not closed in parliament.
- 35 This was re-affirmed in the King's Proclamation No. 1 of 1981, para 8: 'The establishment of a National Government based on the Tinkhundla system of government under the regional Councils Order, 1978 and the declaration of Swaziland as a non-party State under the King's Proclamation of the 12th April 1973 are hereby re-affirmed. The provisions of section 11 and 12 of the King's Proclamation of the 12th April 1973 shall not be applicable to the Tinkhundla which are hereby declared and recognised as centres for meetings of the nation.'
- 36 See King's Proclamation to the Nation, 1973. Decree 13 clearly criminalises political party activities in the Kingdom of Swaziland.
- 37 Wanda, op cit, p 171.
- 38 Kuper, op cit, p 335 argues that the king's effort was aimed at turning the nominal political independence given by the British into a full sovereignty under the king himself and inspired by traditional norms of the role of the monarchy in the political community. Wanda, op cit, p 171 notes that Sobhuza II was exercising inherent powers which were not found in the constitution. These powers were available only under Swazi law and custom: 'Looked at in this way, the resolution of Parliament advising the king to repeal the constitution was neither necessary nor adequate in itself; at best the resolution was only evidence of the subordinate status of the legislature in relation to the position of the King, and affirmative of the King's underlying claims that his powers and authority proceeded not from the constitution, but outside it.'
- 39 The detention law was amended by the Continuation of Period Order, 1973 and this Order was repealed by the Detention Order, 1978, which was finally repealed by the Detention (Repeal) Decree, 1993.
- 40 The date of 5 July 1983 was given by the incumbent secretary general. But upon cross-checking the accuracy of this date with most official records of Pudemo, the author

established that 6 July 1983 was the founding date of Pudemmo while 1 January 1985 was the official launch of the movement.

- 41 See Mzizi JB, Leadership, civil Society and democratisation in Swaziland, in Bujra A & Buthelezi S (eds), *Leadership, Civil Society and Democratisation in Africa: Case Studies from Southern Africa*. Addis Ababa: Development Policy Management Forum, 2002, p 210, records that the policy document of the SFTU says in the preamble that the SFTU was convinced that workers' rights and trade union rights were inseparable from human rights. 'To demonstrate that the SFTU had adopted a political agenda, in early 1996, together with some pressure groups including the underground political movements, established the *Swaziland Democratic Alliance*. In a landmark declaration, this consortium called upon the King to speed up the democratisation process. They expressed their desire to be involved in the constitution making process on condition that the political field is level and all political parties are unbanned and the 1973 state of emergency laws are repealed.'
- 42 Ibid, p 212.
- 43 Ibid, p 213, where Mzizi evaluates the leadership style of the incumbent secretary general of the SFTU in the following terms: 'This cult-like form of leadership can be dangerous. A careful reading of the "Policies of the SFTU" reflect clearly who the author is. This should be commended because any leader without a vision is not worth the name. But there is need to involve the entire membership so that the "Policy Document" is not perceived as a property of the secretariat. To this end a strategic planning workshop for all stakeholders would be necessary and expedient so that Mr. Sithole is protected from allegations that he has taken a lone political journey, forcefully carrying the SFTU on his back.'
- 44 C Landsberg, Southern African governance ten years after apartheid, in Landsberg C & Mackay S (eds), *Southern Africa Post-Apartheid? The Search for Democratic Governance*. Cape Town: CPS, IDASA, IMD, 2004, p 10 observes that 'Swaziland's political order is bifurcated between an executive or absolute monarchy and traditional leadership. However, the king reigns supreme in both systems. There continues to be a serious stand-off between the monarchy and civil society movements, notably the labour movement, which wants to democratise the country and obviate monarchical rule. Political parties remain banned. Civil society opposition forces are not only excluded from governance processes, but also harassed for their political beliefs and positions; many of them are in fact driven to exile. So, at a time when a lot of attention is focused on Zimbabwe, Swaziland is a political powder keg ...'.
- 45 Khumalo, op cit, p 8.

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APPENDICES
RESEARCH AND DIALOGUE ON
POLITICAL PARTIES PROGRAMME

APPENDIX 1: COUNTRY CONTEXT QUESTIONNAIRE

1. What is the country's record of holding free and fair general elections?
2. What is the record of freedom of association as regards forming political parties?
3. What is the country's score on the Freedom House index for free and democratic countries? And thinking about changes over the past five years and reasons for the changes, please comment on the Freedom House score?
4. How free are parties to present candidates in national elections?
5. How, if at all, are political parties restricted in carrying out political or electoral activities?
6. What, if any, specific rules or code of conduct exist for the ruling party or ruling coalition? Provide copies.
7. What parties and independent candidates are represented in the national parliament (both chambers if applicable) according to the following model? (use Election Results Archive as one source) – % of votes; No. of seats in lower chamber; No. of seats in upper chamber; No. of seats held by women in lower chamber; No. of seats held by women in upper chamber
8. What, if any, reference do the policy documents of the ruling party/coalition and the biggest opposition party/coalition in parliament make to specific International Conventions on Human Rights? Provide examples of formulations where applicable.
9. What other significant – in size or otherwise important – political parties or political groups exist that are not represented in the national parliament? Indicate why they are significant (size, regional, exiled, influential diasporas, historical, non-parliamentary influence, armed, repressed group, etc.) and measurable national / regional strength (percentage of votes, opinion survey results etc.).
10. What is the total number of registered parties (if applicable)?

BASIC MEDIA STRUCTURE AND ENVIRONMENT

11. Briefly describe the media environment, including: whether political parties have equitable access to major media outlets; difference between paid and free media coverage for parties; access during an election campaign period and during normal times. Distinguish any differences between publicly and privately owned media.
12. What are the most important sources from which people say they access political information? Note source. If survey / poll data is available, if not – skip question.
Television; Radio; Newspaper; The Internet; Friends; Other (please specify)
13. What is the level of literacy of the general population? Note source.
14. If survey/poll data is available, what is the percentage of the population which:
Read daily newspapers (combined readership); Read other news print media at least weekly (readership); Have mobile/cellular telephones; Use the Internet?
15. If survey/poll data is available, what is the percentage of households which have access to:
Television; Radio; landline telephones?

16. **Apart from the constitution and direct party laws, are there any legal instruments or other circumstances that strongly impact the existence or functioning of political parties?**
17. **Which, if any, are the politically influential groups seeking to influence or maintain power through other means than electoral politics?** (Mechanism used/ Intended influence/ Intended outcome)
Business groups; Ethnic groups; Media; Military; Other non-governmental organisations (specify); Organised crime syndicates; Religious; Unions; Other (specify)
18. **Are there mechanisms for public participation in government decision-making other than elections?**
Parliamentary public hearings; Referenda; User committees; Other (please specify)
19. **Attempt a country nutshell description, a few paragraphs long, as an easy-read entry. Format:**
 - a. Population, capital, head(s) of state/ government, term limit for president (if presidential system), are all seats in the national legislature elected or are some appointed – if so by whom, attempts to extend/ remove term limits, constitutional arrangements, balance of power between branches of government (executive – legislature – judiciary), type of electoral system, and (if appropriate) if inherited from colonial power.
 - b. Democracy since 19xx (and other recent years of great importance, like independence, system change, armed conflict, etc.). Last/ next elections with (maximum) x years mandate. Restrictions on political parties (if any). Degree of respect for human rights (civil and political rights but also economic, social and cultural rights) and rule of law. Freedom House Index. TI Corruption Index, UNDP Human Development Index.
 - c. Governing party/ coalition and leading opposition, degree of dominance/ stability of political landscape. Important forces not standing in elections but shaping politics (business sectors, unions, religious, military, criminal, etc.). Any social or regional upheavals with political consequences. Relevant international/ regional relations and membership, level of trust in political parties and government institutions (use survey data and barometer data where available).
 - d. Economic and social level of development (\$ GNP/ capita, trade as % of GNP, Human Development Index, Income GINI Index, % of population in largest city (name if not capital)/ urban areas, rural:urban ratio.

APPENDIX 2: EXTERNAL REGULATIONS AND ENVIRONMENT QUESTIONNAIRE

LEGISLATION GOVERNING POLITICAL PARTIES

1. **What legal provisions govern political parties and/or individual candidates for election?**
(Full Name/ Year/ Year of last amendment, if any/ Main monitoring body)
Specify full name, year and year of last amendment. Provide copies of all relevant legislation. (Legal provisions might include, but are not necessarily restricted to, the ones mentioned below.)
Constitution; Political party law/Act that governs political parties; Electoral law/Code; Legislation governing Non-Governmental Organizations/societies; Legislation governing the access to media; Government decrees; Regulations with the force of law; Regulations without the force of law; Other laws or regulations that are important to how political parties and/or candidates operate (including financing, tax exemptions etc); Not applicable
2. **How, if at all, are political parties defined in current legislation?**
3. **Which, if any, legal provisions govern the conditions for the founding of new political parties or coalitions?** Please provide copies.
4. **What are the requirements to register a political party at the national level?** (As an association, not in order to contest an election) check all which apply.
Establishment of (regional or local) party branches (specify); Monetary fee (specify in local currency); Registration with court (specify, including level of court); Signatures (specify); Other (specify); No specific registration requirements; Registration possible but not required
5. **Which body (authority) decides on the registration of a political party?**
6. **What, if anything, can cause the de-registration of a political party?** (Check all that apply and specify the body or person who has the authority to deregister a political party.)
Anti-democratic policy; Bankruptcy or insolvency; Breach of Code of Conduct; Breach of Electoral law; Failure to meet gender quotas; Hate Speech; Inciteful activities; Non-payment of registration fee; Other (please write in and code '9'); Not applicable
7. **What body/bodies are responsible for the administration, enforcement and sanctions of the legislation on political parties?** Please note all different bodies and, if possible, provide contact details. (Note: It is possible that different bodies will be responsible for different aspects of enforcing laws and regulations.)
Electoral Management Body; Regulatory body specially; Created for this purpose (specify); Government department(s) (specify); Normal courts/judicial system; Auditor; Other (please specify); Not applicable
8. **Which sanctions, if any, have been applied to political parties in the last 10 years?** Provide two or three detailed examples.
9. **What legal rights and restrictions, if any, apply to political parties in relation to accessing media (include electronic and print)?** Provide details for both public and private media.
10. **In the absence of legal regulation, what if any, agreements between parties – or rules applied by the media – are upheld?** Provide details for both public and private media.

INTERNAL PARTY FUNCTIONS

11. **Which legal provisions, if any, govern the internal functioning of political parties?**
Provide copies.

12. **Which legal provisions, if any, govern how a political party s/elects candidates for local, regional, national elections or presidential elections?** Describe the provisions and specify the required role of party members, local branches, etc.
13. **Which public body, if any, has the authority to be involved in the process of internal party s/election of candidates?** Specify the role of the public body.
14. **Which non-governmental organizations, if any, have a role in political primaries or congresses during candidate s/election?** Provide name/s and describe the role of the NGO(s).
15. **What legal provisions, if any, require political parties to include a certain number (or percentage) of male or female candidates on party lists?** Describe what the requirement is, what level it is on, the possible sanctions and provide the reference and copies.
16. **What legal provisions, if any, exist to encourage or provide incentives for political parties to include a certain number (or percentage) of male or female candidates?** Describe the incentives, what level they are on and provide the reference and copies.
17. **What legal provisions, if any, require political parties to include a certain number (or percentage) of persons from other groups as candidates (e.g. ethnic or religious or linguistic minorities, persons with disabilities?)** Describe what the requirement is, what level it is on, the possible sanctions and provide the reference and copies.
18. **What legal provisions, if any, exist to encourage or provide incentives for political parties to include a certain number (or percentage) of persons from other groups as candidates (e.g. ethnic or religious or linguistic minorities, persons with disabilities)?** Describe the incentives, what level they are on and provide the reference and copies.
19. **What other legal provisions, if any, govern any other aspect of internal party functioning?** Describe and provide the reference and copies.

REGISTRATION OF PARTIES AND NOMINATION OF CANDIDATES FOR ELECTIONS

20. **What, if any, are the registration requirements for political parties which wish to contest elections?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Check all that apply, and specify amounts, numbers and percentages where applicable.
Deposit; Minimum number of candidates; Minimum number % of votes in previous election; Regional presence; Signatures; Others; No specific requirement for registration; Registration possible but not required
21. **What are the requirements, if different from above, for political parties which wish to nominate candidates or lists of candidates for elections?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Check all that apply, and specify amounts, numbers and percentages where applicable.
Deposit; Minimum number of candidates; Minimum number % of votes in previous election; Regional presence; Signatures; Others; No specific requirement for registration; Registration possible but not required
22. **What, if any, special requirements exist for the registration of new political parties to contest an election?**
23. **What are the legal qualifications to become a candidate in elections?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Please specify all that apply and note differences for chamber(s) of the legislature, president, regional and local elections.
Age; Bankruptcy or Insolvency; Citizenship; Citizenship of parents; Civil status; Country of birth;

Criminal record; Current criminal incarceration; Detention; Holding of government office; Holding of military office; Holding of other public offices or employment in public services (police etc); Language requirement; Membership of a political party; Mental health problems; Minimum level of education; Multiple citizenship; Nationality/ethnic group; Naturalization; Offences against electoral law; Physical health problems; Registration on voters' roll; Religion; Residence in constituency/ electoral district; Residence in country; Unpaid debt; Other; Not applicable

24. **In which elections, if any, can candidates not affiliated with a political party (independent) stand for election?** Check all that apply.
Presidential; To chamber 1 of the national legislature; To chamber 2 of the national legislature; To regional councils; To local councils
25. **What, if any, are the registration requirements for independent candidates who wish to stand for election?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Check all that apply and specify amounts, numbers and percentages where applicable.
Deposit; Minimum number of candidates; Minimum number % of votes in previous election; Regional presence; Signatures; Others; No specific requirement for registration; Registration possible but not required
26. **If a candidate withdraws her/his candidacy or dies before election day, but after registration, can the party substitute with a new candidate?**
Yes, explain (include whether replacement candidate must be of the same sex and how late in the process a candidate can be replaced)/No/Not applicable/Other
27. **Can a party remove a nominated and registered candidate without her/his consent?**
Yes/No
28. **Can a political party remove or replace an elected representative?**
Yes (explain circumstances)/ No
29. **Is it possible for a member of parliament to leave the party with which s/he was elected and join another party or become an independent MP (floor-crossing)? If so, what becomes of the mandate/seat?** (Yes/No/Not applicable)
Possible to remain an MP – the mandate/seat remains with the individual until the next election/Not possible to remain an MP: the individual is replaced by a member of his/her former party (please specify how, including the replacement MP must be of the same sex); a bi-election is held for the seat; the member of parliament leaves the legislature and the mandate/seat remains vacant; Other (explain)
30. **How, if at all, are vacant mandate(s)/seats filled in between general elections?**
Replacement by candidates on the party list (describe and provide reference); Other (describe and provide reference); None

ELECTION CAMPAIGNS AND OBSERVATION

31. **What, if any, additional rules of good conduct does the ruling party or coalition have to sign or adhere to? Is the ruling party required to observe rules of good conduct regarding incumbency?**
Explain contents and possible sanctions. Provide copy.
32. **What, if any, rights do political parties have in relation to the Electoral Management Body?**
Representation in the Electoral Management Body; Right to participate in meetings; Advisory capacity; Right to observe the proceedings of the EMB; Other (please specify)
33. **What, if any, rights do political parties have with regard to the activities in the polling station?**
Describe, including if they form part of the polling station staff and / or if they are allowed to observe / witness the voting.

34. **What rights, if any, do political parties have in the process of vote counting?** Describe, including if they form part of vote counting staff and/or are allowed to observe/witness the counting.
35. **What rights, if any, do political parties have in the process of tabulation of votes and the collation of results?** Describe, including if they form part of the tabulation staff/committee, and/or if they are allowed to observe/witness the tabulation.
36. **What, if any, is the official campaign period?** Specify number of days/weeks and describe what is permitted or restricted during that time.
37. **What, if any, is the official period of campaign silence before election day?** Specify number of days/weeks and describe what is permitted or restricted during that time.
38. **What political party activities, if any, are prohibited during election day?**

**APPENDIX 3:
INTERNAL FUNCTIONING AND STRUCTURE QUESTIONNAIRE**

FOUNDING OF PARTY

1. When and where (date and place(s)) was the party first founded?
2. When, if applicable, was the party first officially registered as a party?
3. What, if any, subsequent changes or party splits have taken place?
4. What was the original name of the party? If this name differs from the party's current name, what were the circumstances of any changes in name?
5. How, in a few key words, does your party describes itself (right, left, pragmatic, conservative, liberal, socialist, green, religious, nationalist, social group, ethnic group etc.)?
6. Why was the party founded?
7. How was the party founded? Describe.
8. Which constituency or socio-economic group does/did the party's founders claim(ed) to represent?
9. What was the initial participation or support of additional organisations to the party (i.e. ethnic, religious, military, business, civic groups, trade unions)?
10. Which, if any, of the above has changed since the party was founded?

INTERNAL STRUCTURE/ELECTION OF LEADERSHIP

11. What, if any, written organisational rules exist to guide the functioning and organization of the party? Provide copies.
Constitution; Operational guidelines; Party Rulebook; Statutes; Other (please write in); No formal rules exist
12. What is the name of the *national executive* body in the party?
 - a. Are there written rules and procedures for the regular s/election of members of this body? If yes provide copies. If no describe.
 - b. By whom are they elected or appointed? (Elected/ Appointed)
The party leaders; The parliamentary party (ie the group/caucus of the party's members of the national legislature); Regional or state party branches; Local party branches; Delegates to a party congress; All or some party members; Auxiliary party groups; Affiliated party organizations; Other (please write in)
 - c. If elected, how? Describe procedure.
 - d. Are there formal internal party quotas for women on this body? If yes describe how applied, including number or proportion.
 - e. Are there formal internal party quotas for youth, ethnic minorities or any other group on this body? If yes describe how applied, including number or proportion.
 - f. Are the members in this body paid by the party?
All paid; Some paid (explain); Unpaid (Voluntary)

13. **Is there a written mandate (duties) for the national executive body above and/or distribution of power/tasks within the party leadership?**
Yes (provide copies); No, but informal practices (describe); No mandate
14. **What is the name of the next highest permanent body in this party?**
- By whom are they elected or appointed?**
The national executive body described above; The party leader(s); The members of parliament/parliamentary caucus; Regional or state party branches; Local party branches; Delegates to a party congress; All or some party members; Auxiliary party groups; Affiliated party organizations; Other (please write in)
 - If elected, how? Describe procedure.**
 - Are the members in this body paid by the party?**
All paid; Some paid (explain); Unpaid (Voluntary)
15. **What is the name of the most local branches in this party?**
- What is the normal geographic or other area of operation of the most local branch?**
 - How is it formed and by whom is its leadership elected? Describe.**
16. **How often, if at all, does the party have a national conference/convention/congress?**
Less often than once a year; Once a year; Twice a year; More than twice a year; Never (go to Q20)
17. **Who attends the national party conference/convention, check all that apply?**
The party leader(s); The parliamentary party (i.e. the group/caucus of the party's members of the national legislature); Regional party delegates; Local party delegates; All or some party members; Auxiliary groups (youth wing, women's wing etc); Affiliated party organizations (trade unions, employers' federations etc); Other (please write in)
18. **Are decisions by the national party conference/convention/congress ...**
Binding on the party executive; Advisory to the party executive; Other (please write in)?
19. **Is this body the highest decision-making body of the political party?**
Yes/No (specify which body is).
20. **What, if any, written rules govern the s/election of the party president? Describe type of system used and provide copies of rules.**
21. **What, if any, formal process exists to monitor and regulate the ethical behaviour of political party officials? If board of ethics, explain structure, mandate and examples of activities and/or decisions.**
Board of Ethics; Other formal process (specify); No formal processes, but informal norms and practices (specify); No process
22. **Provide a description of the structure of sub-national/regional/ local party units, women's wings/ associations, youth branches and other party groups.**
How many branches; In all of the country; Autonomous; To whom do they report; How are leaders chosen; Main functions

Internal structure/election of leadership – additional comments

POLICY DEVELOPMENT

23. **How does the party decide on its policy programme document, if it has one? Describe the process and provide copy of document.**

24. **Which of the following opinion-related resources, if any, does the party have access to?** (Party has access / Check if party pays for resource) Check all that apply.
Resources specific to the party: Surveys among members, Opinion polling (not restricted to members); Public domain resources: Public domain polling results, Surveys/barometers issued by other organisations; Other resources.
25. **To what extent does the party use any of the following opinion-related resources when developing policy?** (Uses a large extent/ Uses a fair amount/ Does not use very much/ Does not use at all/ Don't know) Check all that apply.
Resources specific to the party: Surveys among members, Opinion polling (not restricted to members); Public domain resources: Public domain polling results, Surveys/barometers issued by other organisations; Other resources
26. **How, if at all, can the party leadership be held accountable for not following party policy decisions?** Describe the process, including to whom it is accountable and possible sanctions.

Policy development – additional comments

MEMBERSHIP

27. **Is there a national membership register?** If yes provide details of how it is maintained and what the role of local/ regional branches is for maintaining their own registers.
28. **How much, if anything, does the party charge as membership fee?** If fixed amount please specify – per year – in local currency?
A fixed amount; Amount dependent on member's position in the party (EXPLAIN); Amount dependent on party branch (explain); Other (specify); Voluntary contribution; No membership fee
29. **How many members does the party have?** (No. of individual party members/ No. or % of women party members) Provide year and source of figures and indicate if real figures or estimates.
Earliest available estimate; Latest available estimate; Year of maximum members
30. **How much has the party membership increased or declined over the past ten years, in percentage and total numbers?** If ten-year figures do not exist, describe the general trends in membership, if possible with other figures.
31. **What, if any, criteria/requirements exist to be eligible for membership?** Describe, including the body/ person who decides on admission as a member.
32. **What, if any, formal rights come with membership?**
Discounts with merchants; Voting rights at party meetings; Other (please specify).
33. **What, if any, responsibilities come with membership?**
Adherence to party statutes; Unpaid work; Other (please specify).
34. **What process, if any, exists to discipline members who breach party rules?** Describe the process and identify who takes the final decision.
35. **How often, if at all, does the party communicate with its members?** (From National Party/ From Regional branches/ From local branches)
Electronic Newsletter; Paper Newsletter; Party Paper; Meetings; Public website; Membership restricted website; Other (write in)
36. **How often, if at all, do members communicate with the party?** (To National Party/ To Regional branches/ To local branches)
Individual postal correspondence; Individual email correspondence; Petitions; Meetings; Other (please specify)

37. **Which, if any, formal and written guidelines provide party members with an opportunity to express their opinions on party matters?**
Guidelines (provide copies); No formal guidelines, although informal practices exist (describe including recent examples); No guidelines or practices
38. **To whom does the party provide training?** Check all that apply and describe type of training and at what level.
Campaign volunteers; Candidates; Elected members; General members; Party officials; Other (please write in); No training provided
39. **How, if at all, does the party seek to recruit members between elections?**
40. **What efforts, if any, are made to engage activists/members in party activities between elections?** Describe and provide examples.

Membership – additional comments

ELECTORAL ACTIVITY – CANDIDATES

41. **What are the eligibility requirements established by the party rules to become s/elected as a presidential candidate?** Check all that apply and specify each requirement.
Age; Belonging to a certain ethnic group; Certain position in the party; Coming from a certain geographical area; Membership in the party; Qualifications; Signatures; Other (please write in)
42. **What is the process for s/election of party candidates for presidential elections?** Describe the process, including who can propose and vote.

S/election of other candidates for election

43. **What are the eligibility requirements established by the party rules to be selected as a party candidate for elections other than presidential?** (Chamber 1 of national legislature/ Chamber 2 of national legislature/ Regional council/ assembly/ Local council/ assembly)
 Check all that apply and specify each requirement.
Age; Belonging to a certain ethnic group; Certain position in the party; Coming from a certain geographical area; Membership in the party; Qualifications; Signatures; Other (please write in)
44. **What are the party rules for the process by which candidates to chamber 1 of the national legislature are recruited and then s/elected to stand for election?**
 Describe, including how candidates put their names forward, who/ which party bodies are involved.
45. **What, if different from above, are the party rules for the process by which candidates to chamber 2 of the national legislature are recruited and then s/elected to stand for election?**
 Describe, including how candidates put their names forward, who/ which party bodies are involved.
46. **What, if different from above, are the party rules for the process by which candidates to regional councils/assemblies are recruited and then s/elected to stand for election?**
 Describe, including how candidates put their names forward, who/ which party bodies are involved, and if the national party can decide on sub-national lists.
47. **What, if different from above, are the party rules for the process by which candidates to local councils/assemblies are recruited and then s/elected to stand for election?**
 Describe, including how candidates put their names forward, who/ which party bodies are involved, and if the national party can decide on sub-national lists.

48. **What electoral system, if any, is used within the party to select its candidates?** Describe and identify which type of system is used, including possible differences between levels.
Plurality/majority; Proportional; Other (please write in); Not applicable – no election of candidates
49. **What, if any, is the quota voluntarily (not required by law) adopted by the party that a certain number or percentage of candidates for nomination will be women?**
Quota – explain year introduced, percentage, placement on list or in constituency, women only shortlists; No quota; Previously – please explain year introduced and rescinded, percentage, placement on list or in constituency, women only shortlists; Other, including informal practices (please describe)
50. **What, if any other, special measures have been adopted by the party to ensure that women are nominated in elections?**
Training for aspiring candidates; Financial incentives; Other (please specify); No other measures
51. **What, if any, is the quota voluntarily (not required by law) adopted by the party that a certain percentage of candidates for nomination will be young people?**
Quota (please explain year introduced, percentage, placement on list or in constituency); No quota; Previously (please explain year introduced and rescinded, percentage, placement on list or in constituency); Other, including informal practices (please specify)
52. **What, if any other, special measures have been adopted by the party to ensure that young people are nominated in elections?**
Training for aspiring candidates; Financial incentives; Other (please specify); No other measures
53. **What, if any, is the quota voluntarily (not required by law) adopted by the party that a certain number or percentage of candidates for nomination be from any other group (not mentioned above)?**
Quota (please explain which groups, year introduced, percentage, placement on list or in constituency); No quota; Previously (please explain year introduced and rescinded, percentage, placement on list or in constituency); Other, including informal practices (please specify)
54. **What, if any, are the limits on the number of times a candidate can hold an elected office on behalf of the political party?** Please specify in number of terms and years.
55. **If there are reserved seats for women, national minorities or other groups in the legislature, how are candidates selected by the party to fill them?**
A list of candidates is compiled (explain); Appointed (if so, by whom); Other (please specify); Not applicable

Electoral activities – candidates – additional comments

ELECTORAL ACTIVITY – CAMPAIGNS

56. **Does the party produce election manifestos for election campaigns?**
Yes (provide copy)/ No
57. **What is the process of development of party election manifestos?**
58. **What is the process of development of campaign strategy/operational plan?**
Yes (provide examples from recent campaigns)/ No
59. **Are candidates (at all levels) expected to campaign on behalf of the party?** Specify what is expected of the candidates.
Yes, only on behalf of the party/ Yes, in addition to personal campaign/ No, only personal campaign
60. **What presidential elections or elections to the national legislature, if any, has your party boycotted over the last 10-year period?**
Specify what national election, year and the reasons for boycott/ No

61. **Has your party recognised, as legitimate, the officially declared winners of presidential elections or elections to the national legislature during the last 10 year period?**
Yes/No specify which winners (presidential or party) and the reason for not recognising them as legitimate
62. **What if any, non-partisan voter education or other civic training activities has the party undertaken during the last five years?**

Electoral activities – campaigns – additional comments

EXTERNAL RELATIONS OF THE PARTY

International contacts

63. **Which, if any, Party Internationals or other international network of parties is the party affiliated with? (specify)**
Party international. (The Christian Democrat-People's Parties International, The International Democrat Union, The Liberal International, The Socialist International or other); Regional party organisation; Other (including non-partisan international organisations); No international affiliation
64. **Which, if any, sister parties from other countries does the party have contact with?**
65. **What is the nature of the relationship, if any, with sister parties from other countries (eg policy support, campaign support, training, public relations, funding)?**
66. **What regular contacts, if any, does the party have with international organisations or party foundations?**

National contacts

67. **What, if any, formal alliances/cooperation does the party have with other political parties in the country? (Eg common election platform)**
Yes – specify/ No, but informal – specify/No
68. **What, if any, formal relationships does the party have with the Election Management Body?**
Represented as voting members of the EMB; Official observers on the EMB; Other formal relationship; Informal relationship; No relationship
69. **What, if any, formal relations does the party have with national civil society organizations? (Name of organization/ Type of relationship/ Key issues)**
Describe the relationships including name of organization, type of cooperation, funding relationships etc.
Business interests; Corporations – specify; Trade Unions – specify; NGOs, movements, civil society organisations – specify; Religious groups – specify; Other – specify
70. **What, if any, media outlets are owned by the party or party leadership, nationally or locally?**

External relations of the party – additional comments

FUNDING

71. **What, if any, are the spending limits for s/election contests or primaries established by the political party or in legal provisions? Please specify whether party rules or law and give amount in local currency.**
72. **What amount of funding, if any, are party candidates required to bring to the party in order to secure their candidacy? Specify amount in local currency.**

73. **How is funding for campaign purposes distributed within the party?** Describe the distribution and who takes the decisions.
74. **What amount of funding, if any, do candidates receive from the party for their personal election campaigns once they are nominated?** Specify amount in local currency.
75. **What amount of campaign funds, if any, are individual candidates expected to raise for the campaign?** Please provide details.
- a. Are the candidates expected to raise a specified amount?
 - b. How are those funds dispersed?
76. **Do local and regional branches raise funds for their own campaign activities?**
77. **What was the total income of the political party in the last election and non-election year respectively?** Specify in local currency.
78. **How much funding, if any, does the party provide to the women's wing, youth wing, etc and do they have their own sources of income and budgets?** Specify in local currency.
79. **Which are the party's main sources of income (amount and percentage)** (In last non- election year/ Amount as % of total party income/ In the last election year/ Amount as % of total party income) Specify in local currency.
Public funding from the state; Membership fees; Income from fundraising activities and events; Individual donations; Trade union donations; Donations from associations (list principal donors); Other (please specify)
80. **What, if any, strategies and methods for fundraising are used by the party?**
81. **What, if any, assets are held by the party (ie. businesses, buildings, etc)?** Specify which ones and if they generate income.
82. **Which are the main expenditures of the party?** (In last non- election year/ Amount as % of total party income/ In the last election year/ Amount as % of total party income)
Specify in local currency.
Publicity/propaganda; Salaries; Transportation; Public opinion research (polling/ policy development); National and regional meetings/ congresses; Voter education; Election campaign; Other (please specify)
83. **How, if at all, are regular financial reports of the party (and/or individual candidates) made public?**
84. **How, if at all, are campaign finance reports of the party (and individual candidates) made public?**

Funding – additional comments

QUESTIONS FOR ALL INTERVIEWEES

85. **What are the most important reasons for change (or lack of changes) in membership, in your opinion?** Please refer to Q30 on membership.
86. **How much influence, in your opinion, do the following bodies have in initiating policy changes or development?** (Great deal of influence/ Fair amount of influence/ Not very much influence/ No influence at all/ Don't know) Please check that all apply.
Affiliated external organisations (trade unions etc); Auxiliary internal party organisations (women, youth etc); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party leader; Party members; Regional party; Significant party donors; Other (please specify)

87. **How much, in your opinion, do the following bodies participate in debating major policy changes?** (Great deal of participation / Fair amount of participation / Not very much participation / No participation at all / Don't know) Please check that all apply.
Affiliated external organisations (trade unions etc); Auxiliary internal party organisations (women, youth etc); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party leader; Party members; Regional party; Significant party donors; Other (please specify)
88. **How much influence, in your opinion, do the following bodies have in finally deciding major policy changes?** (Absolute approval or veto power / Great deal of influence / Fair amount of influence / Not very much influence / No influence at all / Don't know)
Affiliated external organisations (trade unions etc); Auxiliary internal party organisations (women, youth etc); Cabinet ministers (if ruling party); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party leader; Party members; Regional party; Significant party donors; Other ((please specify)

S/election of candidate

89. **How much influence, in your opinion, do the following bodies have in finally deciding major policy changes?** (Absolute approval or veto power / Great deal of influence / Fair amount of influence / Not very much influence / No influence at all / Don't know)
Affiliated external organisations (trade unions etc); All party members; Auxiliary internal party organisations (women, youth etc); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party Leader; Party members; Regional party; Significant party donors; Other (please specify)
90. **To what extent do the following factors, in your opinion, affect positively the chances of candidates to get s/elected by the party?** (Very important / Fairly important / Not very important / Not at all important / Don't know)
Ability at public speaking; Closeness to party leader or senior party officials; Commitment to the campaign; Educational qualifications; Experience of holding party office; Local/regional connections with the community; Name recognition; Personal wealth; Business experience; Trade union experience; Many years of membership; Other (please specify)

Additional comments

ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA is currently the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Realisation of effective and sustainable democratic governance in Southern Africa and beyond.

MISSION

To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots

- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter / civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Rule of Law, which examines issues related to justice and human rights;
- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
- Election observer reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database

ABOUT IDEA



The International Institute for Democracy and Electoral Assistance (International IDEA) was set up in 1995 as intergovernmental body located at the interface between researchers, practitioners and the donor community to promote dialogue, analyses and networking for the purpose of strengthening democratic processes and institutions. IDEA's current programmes cover three thematic areas: Electoral Processes, Democracy and Conflict Management, and Political Participation. IDEA's work in the area of electoral processes is the most developed and entails, among other things, the production of global knowledge and tools which cover issues such as electoral systems, representation and participation, and election administration. In 1997 IDEA produced a handbook on electoral systems which has been widely circulated and discussed and which informed electoral system reform processes in several countries. Recently, IDEA published the New IDEA Handbook on Electoral Design, adding material on the political context of electoral systems and the process of electoral system change to the explanation of different electoral systems and their effects contained in the original book.

This year (2005), IDEA is celebrating its 10th anniversary both at its Head quarters in Stockholm, Sweden, and also at select venues around the world.

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