

THE EVOLUTION OF THE SWAZI ELECTORAL PROCESS:

Ideological Contradictions, 1978-2015¹

Hamilton Siphon Simelane

Hamilton Siphon Simelane is Professor in the History Department,
University of Zululand, Kwadlangezwa
email: Simelaneh@unizulu.ac.za

ABSTRACT

The subject of the election process has been analysed by different scholars in different historical periods. On the African continent this subject gained prominence after the Second World War when most African countries gained independence from colonial powers. This interest is because of the assumption that both electoral processes and elections are indicators of a transition to democracy and of its consolidation. Evidence indicates that electoral processes in different countries have evolved over time either as a reflection of a positive transition to democracy, or because leaders manipulate the process in order to pursue their own political agendas. This article analyses the evolution of the Swazi electoral process from the time of British colonial rule. The article argues that the Swazi electoral process has evolved over the past fifty years through manipulation by King Sobhuza II and later his son King Mswati III in order to retain their control and dominance over the Swazi population. It shows that as a result of such manipulation, the Swazi electoral process has undermined the transition to democracy in the country.

Keywords: monarchy, electoral process, evolution, democracy, indigenisation, reform, constitution, autocratic rule, traditionalists

INTRODUCTION

Electoral processes and elections themselves are very important for the development of democracy. Writing in the first half of the twentieth century Joseph

¹ The author is indebted to OSISA which funded research on electoral management bodies in the SADC region. Large portions of this article are based on data collected in that research.

Schumpeter argued that elections are the very heart of democracy (Schumpeter 1942). Some scholars have pointed out that regular, free and fair elections are some of the most important signposts of democracy (McQuoid-Mason et al. 1994; Harrop & Miller 1987; Katz 1997; and Niemi & Norris 1996). The African Charter on Democracy, Elections and Governance also emphasises the centrality of elections in the process of handing over power. While these conclusions are true, caution should be exercised because elections may simply be the means through which governments and political elites can exercise control over their populations, making citizens more quiescent, malleable and ultimately governable (Ginsberg 1982; Liebenow 1986; and Mazrui & Tidy 1984). The study of the electoral processes of some African countries can indicate whether elections have deepened democracy or are just periodic rituals.

Elections have become an important subject because from the time the majority of African states gained political independence, their elections have been contested. There has been failure or outright refusal to embrace the universal principles of democracy, using numerous pretexts. Consequently, there has been continued uncertainty in some states as to the extent to which the elections strengthen democracy or undermine it. Some scholars have argued that these challenges are due to the 'fickleness' of leaders (Carothers 2002). Such an argument is difficult to refute because some African leaders have engineered electoral processes to suit their ideological positions, while others have reduced elections to periodic rituals that do very little to enhance democracy (Simelane 2010).

Swaziland provides an excellent example of a country in which the democratic electoral process is generally disliked by the leadership. It is also a country whose development has changed over time and such change has been largely influenced by the ideological orientation of the country's leadership (Vilane 1986). For instance, while in 1968 the country inherited a parliamentary democratic system supported by a similar electoral process, in 1978 the situation changed completely as a pseudo-democratic electoral process was engineered. Since 1978 the electoral process has been revised more than once to suit the ideology of the monarchy and of traditionalists in general, while at the same time placating the concerns of the international community. An analysis of the Swazi electoral process reveals that it is ideologically conflicted, as traditionalism and absolute monarchy contradict basic universal democratic principles.

Though the Swazi case has such interesting elements, it has escaped the attention of academics and as a result there is paltry knowledge of the country's electoral process and of how and why it has changed over time. More importantly, very little research has been done on how the Swazi leadership has attempted to twist democratic principles to create a seeming synergy with traditional political arrangements revolving around absolute monarchism. The aim of this article is to

analyse the development and evolution of the Swazi electoral process, particularly how it has been gradually transformed to give it a semblance of democracy. The argument is that from the time of independence, the Swazi electoral process has not remained static but has been consciously transformed and restructured by the country's leadership to quell internal and external criticism. The article further argues that the Swazi electoral process has failed to be a vehicle for democratisation, but has instead worked as an instrument for entrenching traditionalism and monarchical rule.

METHODOLOGY

The methodology chosen for this study was determined by the fact that the study requires an in-depth analysis of the different aspects of the Elections and Border Commission (EBC) in terms of structure, functions, and actual conduct of elections. Consequently, one of the methodologies used is that of qualitative research. This allows for the accumulation of detail which can enrich the study. Interviews were the main method used and they generated a substantial amount of the data collected. The interviewees were identified through purposive sampling based on the researcher's prior knowledge of people with expertise in the elections process in the country. The first and major step using this methodology was to conduct in-depth interviews with members of the commission. The purpose was to gather information on how they were appointed into office and how they went about conducting elections. This proved to be a manageable task because the commission was only established in 2008 and it has conducted only two elections. Members of other relevant organisations and institutions were also interviewed.

A second method used to generate data was that of desktop research. One aspect of this methodology was archival research. The researcher consulted documents in the archives that pertain to the Swazi electoral process and how it has evolved over time. The EBC is fairly recent and there were very few archival documents relating to it; however, certain reports from the EBC were found in the Swaziland National Archives in Lobamba. Another important aspect of desktop research was that of consulting primary and secondary sources. The Constitution of Swaziland was exhaustively consulted in as far as it provides for the electoral process, as were different acts that create the legislative base for the operation of the EBC. Different reports from the EBC and some observer missions were consulted and they proved to have invaluable information for the compilation of this chapter. If there is a methodological weakness that can be identified in the study, it is that very few members of the public were interviewed. This was largely dictated by the nature of the study.

COLONIALISM AND EXPERIMENTING WITH A DEMOCRATIC ELECTORAL PROCESS

In general terms, the colonial state was autocratic and rarely governed through democratic principles (Berman 1990; Berman & Lonsdale 1980). However, as late as the 1940s the Colonial Office had started moving towards establishing a multi-tier system of representation in the colonies based on broad-based democratic elections (Fieldhouse 1983). This was an important development as it accommodated indigenous people who had acquired western education and had liberated themselves from traditional forms of deference. This perspective on the part of the colonial power led to the introduction of democratic elections and electoral processes in the majority of British colonies.

It was under British colonial authority that the first democratic elections were held in Swaziland. This was in a 1963 plebiscite to choose whether the country should be governed under a British or indigenous political dispensation (Daniel, Simelane & Simelane 1975; Matsebula 2015). The Swazi people voted overwhelmingly for an indigenous system but this was against the thinking of officials in the Colonial Office who held the view that ‘...sustained tribal loyalty became an obstacle to creating new “national” loyalties...’ (ibid.). Consequently, in spite of the result of the plebiscite, the Colonial Office went ahead and introduced a Westminster-type constitution that provided for membership of elected persons in a newly-formed legislative council. This formed the foundation for a Swazi electoral process based on multiparty democracy. The Swazi were encouraged to organise themselves into political groupings of their own preference. The first party that came into the picture was the Swaziland Progressive Party (SPP) founded by John June Nquku in 1960 (Swaziland Government, undated). It was born out of the Swaziland Progressive Association formed in the 1930s (Matsebula 1972). It was the political home of most of the western-educated Swazi who were largely opposed to political traditionalism. Two years later the party split into two factions with Dr. Ambrose Zwane breaking away with a splinter group that later called itself Ngwane National Liberatory Congress (NNLC). The group remaining with Nquku split again with Mr. K.T. Samketi and Obed Mabuza forming a party later called the Swaziland United Front (SUF). Two dominantly white parties aimed at protecting the interests of the white population were the United Swaziland Association (USA) and the Swaziland Independent Front (SIF).

The Constitution provided that there should be a Legislative Council whose membership would be constituted through democratic elections. When it was announced that the elections would take place in June 1964, King Sobhuza II formed the Imbokodvo National Movement (INM) to contest the elections. This party was formed in spite of the fact that Sobhuza had expressed his dislike for

political parties (Kuper 1978). He argued that 'political parties were an anomaly in a country without independence because before independence people have one goal – freedom – and not ideological differences' (*Times of Swaziland*, hereafter T.O.S. 1964). As later events demonstrated, his main concern was with political power. Sobhuza was angry with the British colonial officials who, through the Constitution, had forced him to contest for political power which he believed was the reserve of the Swazi monarchy (Libby 1987).

The legislative council elections of 1964 were based on the new Constitution of Swaziland that became the supreme law of the land in January 1963 (T.O.S. 1963). This Constitution was the first piece of legislation that extended the right to vote to most inhabitants in Swaziland. It also guaranteed freedom of association under which all individuals could form political groupings of their own or associate with any political grouping of their liking. It embraced the principles of multi-party democracy and as a result there was a proliferation of political parties in the country. The elections were managed by government officials and when Sobhuza's party received an overwhelming majority it became clear that the traditionalists were on their way to inheriting the reins of power from the British colonial authorities. Even after this victory Sobhuza did not forget to express his dislike for political parties; thus in 1965 he stated his view that political parties were a destructive force (T.O.S. 23 July 1965). He was not alone in this view as many of those who voted for Imbokodvo expressed the opinion that political parties were damaging Swazi society and destroying the spirit of kinship on which the Swazi nation was based (personal interview with Brigadier Fonono Dvuba, 30 September 2015).

The next election to be held before independence in 1967 was meant to determine which political party would form the first government of an independent Swazi state. Again, the elections were based on a Constitution very similar to that of 1963, except for a few revisions. The king's party received an overwhelming majority of votes, and was followed by the Ngwane National Liberatory Congress. The support for Sobhuza's party came mostly from rural areas where monarchical control was entrenched through control of access to land. Rural dwellers who faced the brunt of land alienation during British colonial administration believed that Sobhuza would be the Messiah to bring back their lost land (Crush 1980; Youe 1986; and Simelane 1991). The victory of the traditionalists in 1967 has been characterised differently by different scholars. Hugh Macmillan, for example, has referred to it as the 'Triumph of Tradition' (Macmillan 1986).

The period from 1963 to 1967 was very important in shaping the evolution of the electoral process in Swaziland. It contained certain developments that continue to inform the electoral process even today. For instance, it indicated that the Swazi monarchy was prepared to participate fully in politics and

even influence, where possible, the character of the electoral process. This was particularly evident in Sobhuza's arguments that the Swazi should employ a system that fitted their traditions and culture and not a foreign model. It also influenced Sobhuza's hostility to multi-party democracy or even political pluralism in general. From the time British colonialism came to an end in 1968, it was clear that the democratisation that began then faced serious challenges ahead. This trend had an important bearing on the development of the electoral process. What was also clear was that Sobhuza and his traditionalist supporters did not like the Westminster-style Constitution crafted in London and enacted as supreme law in Swaziland in 1963. In addition to issues of power and control of the natural resources of the country, another important evil of the Constitution, in the eyes of the monarchy, was that it provided for multi-party democracy. By 1968, therefore, the lines along which democratisation was to develop were clearly drawn and all that was left was for events to unfold.

INDEPENDENCE AND THE EVOLUTION OF THE ELECTORAL PROCESS

For the first five years of independence the democratic electoral process introduced by the British subsisted, even though there were rumblings on the horizon. The first elections after independence, held in May 1972, were governed by these inherited electoral procedures. Once again the king's party won with an overwhelming majority of votes. However in this election the Ngwane National Liberatory Congress received slightly more than 20% of the vote and thus gained three seats in parliament. According to some commentators this did not sit well with Sobhuza, who is believed to have felt that the continuation of political parties meant that his power was being contested (Daniel, Simelane & Simelane 1975). The Constitution on which the elections were based, was considered to be a foreign imposition that did not speak to the interests of the Swazi as a nation, especially because under this Constitution Swaziland was a constitutional monarchy. Sobhuza and his traditionalists continued to view political parties as a nuisance that were not in line with Swazi custom and values.

The parliament elected in May 1972 was unable to take its seat in its first sitting because of a misunderstanding between the NNLC and the majority INM. The INM decided not to attend. This appears to have been an orchestrated move because when Parliament eventually had its first sitting, both the House of Assembly and Senate (both riding on an INM majority) placed themselves 'at the disposal of the King-in-Council', (*New York Times* 13 April 1973) by handing over all power and authority to the monarch, King Sobhuza II (SADC Parliamentary Forum 2013). Sobhuza justified the abolition of the existing system by condemning

it as alien (Kanduza 2001). He asserted that the independence Constitution had brought a foreign spirit of bitterness to Swaziland and that the Swazi people wanted a system created by themselves which would give them full freedom and guaranteed peace and happiness. According to Prince Mfanasibili, 'As long as Swaziland continued to be governed by a constitution created by the British, the feeling of still being ruled by the British did not go away' (Mfanasibili, personal interview, 2015). This put control in the hands of Sobhuza because he assumed all powers of government. The king continued to prohibit all political activities and trade unions from operating. Evidence suggests that the INM was banned in name only because almost all its stalwarts and all its ideological inclinations remained intact. Even after the ban, the traditionalists remained in power and all that was left was to make the rest of the country toe the line. After a few months the king set up a commission to work on a political system that would be in accordance with Swazi law and custom.

While some of the political parties disbanded, others, such as the Ngwane National Liberation Congress, began to operate underground. For some commentators the coup against the independence Constitution meant an abrupt end to Swaziland's experiment with multi-party democracy (Proctor 1972). For others, the transition to democracy had not ended, but simply took on a different form. What is clear is that the electoral process that took root in 1964 was brought to an end in 1973. It was a short experiment that crumbled under the weight of the character it had assumed in 1964. For five years after 1973 a cloud of uncertainty engulfed Swaziland as to the future of elections and democracy, particularly multi-party democracy. This uncertainty was aggravated by the enactment of draconian laws such as detention without trial and a complete assault on freedom of expression and association.

Between 1973 and 1975 democratic practice and principles in Swaziland descended to a very low level. Following the repeal of the Constitution in 1973, the country was governed by decree. All state powers were in the hands of King Sobhuza II. He was assisted by a clique of princes who played the role of page-boy to the king. It was during this period that Sobhuza formed a commission tasked with crafting (under his tutelage) a new political dispensation for the country that would revise the democratic experiment inherited from Britain.

INDIGENISATION OF THE ELECTORAL PROCESS

The year 1978 was a watershed in the development of the Swazi governance system, electoral process and Swazi elections. The democratic dispensation inherited from Britain was subjected to different forms of mutilation in the name of developing a local governance and electoral system that was supposedly informed by Swazi

realities and traditions. This assertion is convincing at face value, but issues of power and control permeated the decision to revise the Swazi electoral process in 1978. As these revisions took place, Swaziland systematically moved away from principles of good governance and universal principles of democracy.

It was only in 1978 that the commission's report was released, following the repeal in 1973 of the Constitution crafted at independence. This report proved to be crucial to the political, electoral and governance history of the country. Through its recommendation, the commission introduced a new political system in Swaziland. This was the *tinkhundla* governance system that has become cherished by the monarchy and the traditionalists but detested by political parties and progressives in general (Levin 1991). As a concept, *tinkhundla* was as old as the modern Swazi state, and what happened in 1978 was a resuscitation of a system that could enable King Sobhuza II to restore his control of the parliamentary electoral system (Booth 1983). Different commentators have attempted to define *tinkhundla*, but divergent definitions should not detain us here (Mamba 2006; Shongwe 1983). Alan Booth has argued that after the long period of dormancy that followed the imposition of colonial rule in 1902, the system was resurrected in the 1950s, only to be pushed aside again (*ibid.*). When the system was revived again in 1978, it was made more conceptually sophisticated largely for reasons of power and politics. While traditionally *tinkhundla* meant meeting places in each chiefdom for purposes of dealing with local affairs, in 1978 it was re-crafted to embody an electoral process, an economic development structure, and a national governance system. The Constitution of the Kingdom of Swaziland states that the term *inkhundla* or *tinkhundla* (plural) is the Swazi name for a constituency.

When the system was introduced, its details as an electoral process were provided in the Establishment of Parliament Order, 1978, sometimes referred to as Kings Order-in-Council No. 23 of 1978. The first important aspect of the *tinkhundla* electoral process was its structure. The importance of the structure had to do with the manner in which all sections were dominated by the preponderance of monarchical control and influence. Sobhuza created what he called the Electoral Committee which had a supervisory role in the electoral process. This was a committee of seven members all appointed by and answerable to the king. Its principal function was stated as: '...to supervise and assist in the conduct of elections by *Tinkhundla* of their delegates to the Electoral College and the election of members of the House' (King's Order-in-Council 1978). According to the King's Order, the committee was responsible for the proper conduct of elections at *tinkhundla* or the electoral college, having regard to the traditional practices at meetings and elections of the Swazi nation. It was meant to steer the electoral process along traditional lines in terms of principles and practice. This committee served as a traditional watch-dog over the Swaziland electoral process under the revived *tinkhundla*.

Another part of the structure was the office of the chief electoral officer. This officer was appointed by the king and had the responsibility of conducting elections under the supervision of the electoral committee. The electoral officer had no power to change or make policy and his responsibility was limited to dealing with managing the secret ballot that was being introduced for the first time. He was merely an operational officer who operated on instructions from the king. This monarchical control was indicated by the fact that the first electoral officer of the *tinkhundla* electoral process belonged to the clan of the king's mother.

An important part of the structure was the electoral college (EC). This body was made up of people elected from all the *tinkhundla*, and the number of members was partly dependent on the determined number of *tinkhundla*. For instance, when the number of *tinkhundla* was determined at forty in 1978, the majority of the members of the electoral college came from this group. Members of the elections committee were also members of the college. Each *inkhundla* was allowed to have two delegates to this body. The main responsibility of the electoral college was to elect members of the House of Assembly from the list of candidates from *tinkhundla*. For some days they were introduced to their responsibility and probably told not to deviate from traditional ways of choosing representatives. What was emphasised in these introductions was the need to identify people who embodied the traditional values of Swazi society. Some of these values were respect for seniority and loyalty to the Swazi monarchy. Actually, the electoral college was the last stage of consolidating the control and domination of the monarchy over the general population.

Tinkhundla committees were part of the structure that connected the electoral process directly with the people in the urban and rural areas of the country. Each *inkhundla* had to establish a committee responsible for beginning the process of election. The membership of these committees was not specified. According to the order each *inkhundla* was to establish such a committee, though the number of members was left to each *inkhundla*. From an electoral point of view, the committee in each *inkhundla* was to play a role in the nomination of candidates to the electoral college. The order did not elaborate on the functions of the *inkhundla* committee but it seems to have played a role in initiating the process of electing candidates to the electoral college. At this stage, the system was open to manipulation by influential people. There is evidence that some regional chiefs interfered by telling their subjects which individuals to nominate and who to vote for. It was at the level of the functioning of *tinkhundla* committees that the ordinary citizens had a chance to participate in the electoral process. It was also at this level that the Swazi leadership claimed that the *tinkhundla* electoral process was democratic. Theoretically, people in each *inkhundla* nominated and voted for candidates of their choice.

Under this system the country was divided into forty constituencies which for electoral and development purposes were called *tinkhundla*. Each *inkhundla* cut across chieftainship boundaries so that within its boundaries it included people from different chiefdoms. The jurisdiction of the *tinkhundla* therefore overlapped with that of the chiefdoms. When the system was first established, it was meant to be a system of indirect representation. The electoral process began in each *inkhundla* under an *inkhundla* committee.

The process of elections began once the king had made the announcement that the process should begin. After receiving such instructions the head (*indvuna*) of *inkhundla*, appointed by the king, convened meetings in each *inkhundla* for the purpose of electing people to represent each *inkhundla* at the electoral college. During election day all employers were instructed to release their employees to participate in the *inkhundla* elections. The nomination of each candidate had to be supported by not less than five people. The conduct of elections at this stage was very crude as there was no voter registration and the identification of candidates was very rudimentary. Each candidate was placed at the end of a wooden channel and the voters for each candidate were instructed to go through the channel of their preferred candidate. Somewhere along the channels there were officials physically counting the voters for each candidate. The two candidates with the highest votes were declared winners and continued to represent the *inkhundla* at the electoral college (Levin 1997).

The next stage of the electoral process was at the level of the electoral college. This body consisted of all the delegates from different *tinkhundla*. At this level the delegates were instructed to nominate candidates from amongst themselves, whom they felt had the necessary merit to be members of parliament. These nominations had to be accompanied by a motivation explaining why the nominated candidates were considered fit to be members of parliament (Thwala, personal interview 2015). The electoral college was required to elect forty members for the House of Assembly. Before nomination and election, the candidates' backgrounds were investigated by both the electoral officer and the electoral committee. It is not clear what the investigation was looking for, but it stands to reason that loyalty to the monarchy was one of the main criteria used. According to the King's Order-in-Council No. 23 of 1978, the elections at this stage had to be by secret ballot. It was a very restricted election process because besides members of the electoral college who were to do the voting, 'Only the Chief Electoral Officer, members of the Electoral Committee in terms of Section 23, the person responsible for keeping the minutes of such election, secretarial staff, messengers, the *Indvuna* ye [of] *Tinkhundla* and the members of the Electoral College shall be present at such election' (*Establishment of the Parliament of Swaziland Order* 1978, Part IV (25)). In the final analysis, under this system the people who

eventually became members of parliament were indirect representatives of their constituencies.

According to Sobhuza and his traditional supporters, the *tinkhundla* system was an alternative to foreign models of parliamentary democracy. Some informants who worked closely with Sobhuza pointed out that its creation was based on the background of continued political strife in other African countries as a result of adopting political systems that were not natural to them (Thwala, interview 2015). Based on this argument, Sobhuza attempted to make the system internationally acceptable by sending delegates to several African countries to explain the nature of the system. Delegates were also sent to European countries such as the United Kingdom while others were sent to North America (Dvuba, interview 2015). There is no documented evidence showing the type of reception and responses that the delegates received. While the issue of the system being home-grown and African is appreciated, the question of it being a mechanism of entrenching the power of the Swazi monarchy cannot be ignored. As Kuper has observed, under this system 'individual rights were subordinated to the interests of an autocratic aristocracy' (Kuper 1963, p. 78).

This electoral process continued for about fifteen years and had noteworthy characteristics. The stamp of traditionalism and monarchical dominance was found throughout the stages of the process (Mzizi 2000). The King's Order-in-Council of 1978 provided that all elections should be conducted along traditional lines. This meant that all the candidates who were nominated and elected were vetted along traditional lines. The system was an endorsement of traditionalism as embodied in the institution of monarchy and Swazi traditional values. In effect, all the citizens who through education and other forms of acculturation had adopted modern values, were rejected by the electoral process unless they subscribed to traditionalism and proclaimed loyalty to the monarchy.

Naturally enough the system was not without its critics. Those who believed in the ideals of universal democratic principles did not participate in the electoral process, giving rise to a debate that continues even today on whether the *tinkhundla* political system and electoral process were capable of strengthening democracy in the country. This question is particularly pertinent considering the fact that Swaziland is the only country in southern Africa that has failed to democratise. All the waves of democratisation that have swept through the world, have brought very little democratic change in Swaziland (Huntington 1991).

The period from 1982 to 1986 produced no developments in the Swazi electoral process. Instead, it was characterised by political instability following the death of King Sobhuza. Palace intrigues and machinations took centre stage as some members of the royal family attempted a low-intensity palace coup. Even in this period of political confusion voices of protest against *tinkhundla* were still heard.

Calls for the democratisation of the system or its total elimination were heard but effectively suppressed.

REFORMING THE ELECTORAL PROCESS AND CONSOLIDATING MONARCHICAL CONTROL

King Mswati III's reign was greeted with protests as the electoral engineering commenced by King Sobhuza II in 1978 had a difficult existence, with criticism from different directions. Amongst the most notable critics were the political parties that were forced underground through the 1973 decree. The Peoples United Democratic Front (PUDEMO) and the Ngwane National Liberation Congress (NNLC) led the critics. Local civil society and the international community also added to the voices of protest and rejection of *tinkhundla*. While King Sobhuza died still trying to entrench the *tinkhundla* electoral process, his son King Mswati III, who ascended the throne in 1986, was not spared criticism. The voices of protest against the system became a crescendo in the 1990s. This was part of the wave of democratisation that was taking place internationally and in the southern African region. Of particular impact was the dismantling of the apartheid system in South Africa, highlighted by the release of Nelson Mandela from prison.

By the 1990s it became difficult for King Mswati III and the traditionalists to ignore the voices of protest against *tinkhundla*. PUDEMO continued to argue that Swaziland was in a state of political confusion because of the decree of 1973 which repealed the independence Constitution and banned all political parties in the country (*Weekend Sun* 24 January-7 February 1991).

However, instead of going for full democratisation, the Swazi leadership began a process of electoral transformation that left the country undemocratic. This began in September 1991 when King Mswati III established a body called *Vusela* 1 Commission under the leadership/chairmanship of Prince Masitsela. From the very beginning it became clear that the process was meant to manipulate democratic change in order to continue supporting control and domination by the monarchy. This was made clear by the calibre of people who were appointed by the king to be members of the commission. Outside this conservative circle the conclusion was that the whole process was being politically engineered. The main issue for consultation was whether Swazi citizens wanted to continue with the system established in 1978 or have it abolished. After collating the opinions submitted to the *Vusela* commissions, Prince Masitsela reported that the majority of the Swazi population wanted the *tinkhundla* system to continue. Once again, the Swazi leadership avoided transforming the undemocratic electoral process on the strength of dubious conclusions of the Prince Masitsela Commissions.

One of the most important unintended results of *Vusela 1* was an escalation of protests and criticism, especially of its aspect as an electoral system. The electoral system adopted in 1978 continued to be criticised for lack of inclusivity and its bias in favour of traditionalists. Under this system, it was not possible to state how many people voted because there was no voter registration (Thwala 2015). The system was also criticised for damaging family relations at the *inkhundla* voting stage as it did not use a secret ballot and the candidates could see when their relatives had voted for them.

As a result of general complaints against *tinkhundla* and more particularly against *Vusela 1*, King Mswati III was compelled to take action. In an action typical of the Swazi leadership, the king decreed the establishment of another commission named *Vusela 2* under the chairmanship of Prince Mahlalengani. To appease those who opposed *tinkhundla*, King Mswati included some members of the opposition in the commission. The main responsibilities of *Vusela 2* were to review the submissions of the Swazi nation under *Vusela 1*, and also to receive new submissions on the electoral procedures that had been operating since 1978 (Swaziland Government 1992).

The report of *Vusela 2* pointed out numerous shortcomings of the electoral system that had been in place since 1978. The commission toured the country to establish the people's views about the *tinkhundla* electoral system, and found widespread unhappiness about the fact that the system did not allow for direct election of their representatives to Parliament. They also pointed out that they were not free to exercise their votes because the traditional chiefs were telling them which candidates to vote for. It was also apparent that the citizens were not happy about conducting elections on traditional lines because this led to problems of administrative dysfunction. Some also expressed the view that the law should provide for an independent and impartial election supervisory mechanism. According to the report, the majority said there should be no political parties because the country was not ready for multi-party democracy. Another very important opinion was that the country should have a written constitution.

The *Vusela 2* report was a critical document for the evolution of the Swazi electoral process because it led to an almost complete revision of this process. This is particularly so because it recommended that the country should have a written constitution that would embody legal provisions for conducting elections, something not previously included. Two legal instruments that became the foundation for a reformed Swaziland electoral process emerged out of the commission report. The first is the Elections Order of 1992; this provided a detailed description of the process of nominating candidates at chiefdom level and what should happen at the different stages of an election. It was largely an attempt to clarify the confusion that attended the process established in 1978. The second

was the Voter Registration Order of 1992 which provided for the registration of voters for the first time in the country.

The legal framework so established also led to a complete revision of the electoral structures. For instance, the management of elections was left to the chief electoral officer and his deputy. For the first time these two positions were permanent and served as an election management body (Thwala 2015). All structures such as the electoral committee and the electoral college were dissolved. Support staff were only engaged during election year and the majority were civil servants. In spite of this change, Swaziland did not have an independent electoral commission but it was not alone in this regard because countries such as Botswana and Lesotho used a similar structure. This limited structure continued to function until 2008 because the Constitution that had been approved in 2006 provided for the establishment of a commission.

One important weakness of the system that was not highlighted by the two *vuselas* was that the *tinkhundla* system compromised the supremacy of Parliament. Such supremacy is limited by the fact that under this system, the legislative authority of Parliament does not extend to the offices of *ingwenyama* and *indlovukazi*, to the appointment or suspension of chiefs, to the composition and procedure of the Swazi National Council, and to the annual *incwala* ceremony or to the *libutfo*. However, the *vuselas*, especially *Vusela 2*, proved to be very important for the evolution of the Swazi electoral process. Whatever cosmetic changes the traditionalists were prepared to put in place were founded on the submissions made in the *vuselas*. This points to the agency of the Swazi population and the international community. It is worth noting that above all, the *vuselas* were a strategy by the traditionalists to reproduce autocratic rule under the guise of engineered popular acceptance. Implementation of submissions to the *vuselas* was left to the discretion of the traditionalists. At the end of the whole process, it was the views that supported the monarchy that were prioritised.

CONSTITUTIONAL DEVELOPMENTS AND TRANSFORMATION OF THE SWAZI ELECTORAL PROCESS

One element of apparent monarchical benevolence was that King Mswati chose the submission for a need to craft a written constitution for the country. The reality was that the king was facing pressure, both from within and from outside the borders of the country, to democratise Swaziland. In 1996 King Mswati III formed the Constitutional Review Commission (CRC) initially under the chairmanship of Prince Mangaliso (Booth 2000). The commission was made up of 30 members with the brief to draft a new constitution for the country by 1998. However, the

final draft of the Constitution came from the work of a different commission under the chairmanship of Prince David.

The Constitution on which the present electoral process is based came into force on 8 February 2006. Section 79 of the Constitution of Swaziland states that ‘the system of Government for Swaziland is a democratic participatory, Tinkhundla-based system which emphasizes devolution of state power from central Government to Tinkhundla areas and individual merit as a basis for election or appointment to public office’ (Constitution of Swaziland 2006). As is the case with systems of other Commonwealth countries, the *tinkhundla* system is constituency based. It emphasises that constituencies should be the driving force behind the development and empowerment at all levels, whether rural or urban. It also emphasises that power should devolve to the people; services should be accessed by all; and constituencies should be used as political organisations and for the popular representation of the people in Parliament and other legislative structures. The system emphasises that both election and appointment to public office should be based on individual merit. The right of the individual to participate in national activities like the constitution-making process has been recently endorsed by the Supreme Court of Swaziland.

In general terms, the Constitution of the Kingdom of Swaziland provides for the protection of the fundamental rights of citizens which include: freedom of assembly and association; freedom of movement; freedom of conscience and religious belief; and freedom to participate in elections (SADC Parliamentary forum 2013). In this manner the Constitution protects the participation of citizens in elections. However, there is still the question of the extent to which these rights and freedoms are fully enjoyed by the citizens because some are curtailed. Most importantly, the Swazi Constitution does not discriminate against women because it provides for equal treatment for both men and women who are also constitutionally guaranteed equal access to political, economic, and social activities. Again, the practical aspect of these guarantees has been questioned by some stakeholders who have argued that the Swaziland Government is not doing enough to ensure the implementation of these guarantees.

The Constitution transformed the electoral process in Swaziland as it provided for privileges and rights that were not previously enjoyed in the country. For instance, it provided for the establishment of an independent elections management body. This put Swaziland ahead of those countries in the region that had not enshrined such an important body in the Constitution.

Section 87 (1) of the Constitution provides for the election of persons through secret ballot at both primary and secondary elections following the first-past-the-post electoral system. This is irrespective of the office for which the candidates are standing – another new development. Section 84 of the Constitution guarantees the

right to representation in the legislative bodies and the right to be heard through freely chosen representatives. Section 85 guarantees the right to vote at elections and Sections 88 and 89 prescribe voter qualifications and disqualifications. Election by secret ballot is also guaranteed by the Constitution in Section 87.

Also specific to the country's electoral process is that the Constitution provided for the establishment of an independent elections management body. This puts Swaziland ahead of those countries in the region that had not enshrined such an important body in the Constitution. Section 90 (1) of the Constitution of the Kingdom of Swaziland provided that 'There shall be an independent authority styled the Elections and Boundaries Commission ("the Commission") for Swaziland consisting of a chairperson, deputy chairperson and three other members' (The Elections and Boundaries Act, No. 7 of 2013). The commissioners are appointed by the king on the advice of the Judicial Service Commission. However the source of the names recommended to the king is unclear, raising the issue of transparency and of equal opportunity to all qualifying persons to be members. The Constitution of the country and subsequently the founding or establishing Act highlight two significant aspects of the commission. Firstly, that the commission shall be independent and shall not be subject to the direction or control of any other person or authority in the performance of its functions. Secondly, that the commission shall be impartial and shall exercise its powers and perform its functions without fear, favour or prejudice. These two aspects are theoretically very important if the Commission is to conduct free, fair, and credible elections. However, even here the gap between theory and practice needs to be assessed and evaluated.

In terms of function the EBC is also responsible for demarcating constituency boundaries. This is different from what is happening in most countries in the SADC region where constituency demarcation is carried out by a separate body. Section 87 (1) of the Constitution provides for the election of persons by secret ballot at both primary and secondary elections following the first-past-the-post electoral system. This is irrespective of the category into which the candidates are being elected. Again, this provision set a new trend and solved some of the problems that had attended the indigenised electoral process.

Beyond constitutional provisions, the electoral process in the Kingdom of Swaziland is further bolstered by legal instruments that have developed over time in responses to certain circumstances and experiences. When the EBC conducted its first elections in 2008, there were only two pieces of legislation governing the elections process in Swaziland. First, there was the Voter Registration Order of 1992 that provided for various aspects of the voter registration process. Second, the Elections Order of 1992 provided for the conduct of elections in general. The

practical application of these election laws is fully captured in the various stages of the electoral process.

During the short life of the EBC several laws have been enacted to address changing circumstances. The year 2013 saw a proliferation of these laws for the conduct of the 2013 general elections and beyond. These new laws included the Elections Act, Act No. 10 of 2013; the Elections and Boundaries Commission Act, Act No. 7 of 2013; the Voter Registration Act, Act No. 8 of 2013; the Parliamentary (Petitions) Act, Act No. 12 of 2013; the Elections Expenses Act, Act No. 9 of 2013; and the Elections Expenses Act, Act No. 9 of 2013. This raised the concern among some stakeholders who felt that these were last-minute reforms which candidates and society at large found difficulty digesting. In fact these reforms were completed in 2011 but only managed to go through the approval chain in 2013 (Nkosungumenzi Dlamini, personal interview, Nkhanini 29 September 2015).

After the establishment of the Constitution and the EBC, the Swazi electoral process was based on a solid and comprehensive constitutional and legislative framework. The Constitution of the country provides a comprehensive foundation for the elections management body, so do the different legislative instruments that have been in place since 1992. Such a foundation gives the elections management body credibility and a robust framework on which to base decisions. However, one of the facts that has frequently been brought to light is the huge gap between the comprehensive policies and procedures, and compliance with the law. Comprehensive constitutional provisions and laws count for almost nothing if they are not used to inform practice. That is why it is important to have a monitoring and evaluation mechanism to ensure compliance. At the moment it is not clear who enforces compliance with the EBC. There are however several concerns regarding the EBC. For instance, this seemingly democratic institution is constructed within the framework of traditionalism and monarchical patrimonialism. The first chief executive officer of the body comes from the Dlamini clan and is a traditional chief. Among the commissioners, one is a staunch supporter of the monarchy and another is the daughter of a prince. The choice of commissioners clearly indicated that the body was meant to entrench traditionalism through the electoral process. Despite all the provisions of the Constitution and other comprehensive pieces of legislation, the ethos of traditionalism was not restricted in any way, as the king remained above all the law.

THE SWAZI ELECTORAL PROCESS AND THE STRENGTHENING DEMOCRACY

Elections are a very important part of democracy and electoral processes are meant to promote and strengthen democracy. Swazi traditionalists have argued

that the Swazi electoral process was created as an attempt to avoid copying electoral processes from foreign countries, especially western Europe. These are systems that have no relation to the traditions of the Swazi people. This is a very compelling argument because one of the major limitations of African political systems has been the fact that they were copied from former colonial masters and did not grow from the values and traditions of the people who are supposed to implement and practice them. While this is the case, it should be realised that there is very little that is traditional about the Swazi electoral process, except the institution of monarchy which has manipulated the process to strengthen itself in the face of different forms of opposition. Traditional systems are usually based on consensus and inclusivity, but the Swazi electoral process is not. It does not help much to craft a system for personal domination and manipulation as King Sobhuza II did.

According to the Swazi traditionalists who crafted the system, the Swazi electoral process is non-discriminatory. It enhances the right to equality in so far as all Swazis, regardless of their education or background, may be elected into public office. According to this thinking individual merit is the basis for the elected person to be continuously accountable to the people who voted them into office. It ensures that the elected person will deliver what he or she promised the voters during the campaign and will not be able to hide behind the banner of the organisation he or she represents. It ensures that the elected representative remains a true agent and voice of the people who have mandated him or her. This direct representation ensures that once a candidate is voted into parliament, he or she becomes a direct representative of the people who voted. It is democratic and participatory in that everybody participates in the decision-making process.

Much as positive aspects of the Swazi electoral process can be outlined, it should be noted that it still has serious limitations. The Constitution of the country provides for freedom of association, but the *tinkhundla* electoral system violates this provision because it does not allow political groups to register for elections and be voted for as a corporate entity. Its conditions are that people should stand for elections as individuals under the banner of very dubious promises. At the moment the Swazi are compelled to vote in a system that is based on a specific ideology, that is the ideology of traditionalism that nourishes monarchical domination and control. Institutionally, nothing separates one candidate from another as they all operate within the limits of the *tinkhundla* electoral process. This is a straight-jacket that does not allow for ideological differences.

While the Swazi electoral process has an element of democracy, it has done very little to strengthen democracy in the country. To a large extent, it does not conform to most principles of universal democracy. In the Swazi electoral process elections are conducted outside of political party formations. In fact, those political

parties that do exist in Swaziland, do so by default because the King's Decree banning political parties in the country is still in force, and as a result all political parties remain banned. Political parties such as The People's United Democratic Movement (PUDEMO) and the Ngwane National Liberatory Congress (NNLC) operate underground. The same fate is suffered by the numerous smaller political parties that have claimed to contest political space in the country. Consequently, political parties are not allowed to contest elections as party formations, something contrary to the provisions of the country's Constitution that stipulate freedom of association. Instead, members of these parties are allowed to contest elections as individuals. This failure to strengthen any vestiges of democracy that may exist in the system is the major weakness of the process. The Swazi electoral process is exclusive and does not accommodate all political groupings in the country. Instead, all candidates who stand for elections are compelled to conform to traditional structures at every stage of the electoral process. From the perspective of those who crafted the process, the idea was to make sure that everybody pays allegiance to the traditional power structure, particularly the monarchy.

CONCLUSION

The last decade of British colonial rule in Swaziland introduced an inclusive democratic electoral process, and it was hoped this would lead to a positive transition and consolidation of democracy. This was despite the fact that for the most part, British colonialism in Swaziland was never democratic. From about 1963 popular participation in the political arena and in the electoral process was emphasised by British colonial administrators. This was not peculiar to Swaziland, but applied to all British colonies after the Second World War. Swaziland experienced a proliferation of political parties because, at that time, the British allowed political plurality based on freedom of association.

It should be noted that King Sobhuza II and his traditionalist supporters participated in this process because of their concern with retaining power, not because they believed in the principles that governed the process. When independence came in 1968, King Sobhuza was eager to revise the country's political system and electoral process. This was in order to marginalise his opponents while entrenching the power of the monarchy and allowing the monarchy to dominate. Paramount in his scheme of things was the need to craft an electoral process whose purpose was to safeguard the power of the monarchy. This was at the centre of all attempts that were made to revise the Swazi electoral process.

This article has shown that the first major step in this direction came in 1973 when all political parties were banned and for about five years thereafter

the country was ruled by decree. The second step followed in 1978 when the electoral process inherited from Britain was indigenised. From that date the Swazi electoral process was governed and conducted along traditional lines. This was a major change because it literally compromised most aspects of the electoral process that had been inherited from the British. The significance of this change was that the electoral process had been centred on the citizens of Swaziland but became more about regime protection and strengthening. Whatever elements of democracy remained in the electoral process were meant to appease the international community which continued to highlight the undemocratic tendencies of Swazi leadership.

Inside Swaziland, protest continued to be heard against the lack of inclusivity in the Swazi electoral process. This was voiced through the pronouncements of the People's United Democratic Movement (PUDEMO), the Ngwane National Liberatory Congress (NNLC), and different civil organisations. These formations characterised the whole Swazi political environment as being undemocratic, and some resolved not to participate in the country's elections. Much as the leadership of the country attempted to stifle and ignore this protest, the international community added its voice in criticising the system. Partly because of the need to appease foreign investors and donors, the Swazi monarchy instituted cosmetic changes in the early 1990s. This article has outlined some of the changes that were put in place and indicated that these changes fell short of completely democratising the Swazi electoral process. One major change that was put into place was the introduction of direct representation in the Swazi electoral process.

As a result of increasing criticism of the system the monarchy was further forced to revise the country's electoral process. This came through the introduction of a second written Constitution which changed the structure of the Swazi electoral process and made the process more professional. This was particularly with regards to the formation of the country's first electoral management body which started operating in 2008.

This article has shown that throughout the history of its evolution from the 1960s to the present, the Swazi electoral process has been twisted and manipulated to serve the interests of the monarchy. Of particular importance here has been the preservation of the power of the monarchy. It has been an electoral process that has completely failed to grow and strengthen democracy in the country. All the changes that have been put in place have been cosmetic and intended to placate the opinion of the international community, foreign investors and donors.

— REFERENCES —

- Berman, B 1990, *Control and Crisis in Colonial Kenya: The Dialectic of Domination*, James Currey, London.
- Berman, B & Lonsdale, J 1980, 'Crisis of Accumulation, Coercion and the Colonial State: The Development of the Labour Control System in Kenya, 1919-1929', *Canadian Journal of African Historical Studies*, vol. 14, no.1.
- Booth, AR 2000, *Historical Dictionary of Swaziland*, The Scarecrow Press, London.
- Carothers, T 2002, 'The End of the Transition Paradigm', *Journal of Democracy*, vol. 13, no.1.
- Crush, JS 1980, 'The Colonial Division of Space: The Significance of the Swaziland Land Partition', *The International Journal of African Historical Studies*, vol. 13.
- Fieldhouse, DK 1982, *Colonialism, 1870-1945: An Introduction*, Macmillan, London.
- Ginsberg, B 1982, *The Consequences of Consent*, Addison-Wesley, Reading, MA.
- Harrop, M & Miller, WL 1987, *Elections and Voters: A Comparative Introduction*. Palgrave, Basingstoke.
- Huntington, SP 1991, 'Democracy's Third Wave', *Journal of Democracy*, vol. 2 no. 2.
- Kadima, D, Leonard, DK & Schmidt A 2009, 'Elections and Democratization in the Democratic Republic of Congo', *Journal of African Elections*, vol. 8, no. 1.
- Kanduzi, AM 2001, 'The Political Economy of Democratization in Swaziland', in KK Prah and & AGM Ahmed (eds), *Africa in Transformation*, OSSEREA, Cape Town.
- Katz, R 1997, *Democracy and Elections*, Oxford University Press, New York.
- Kuper, H 1986, *The Swazi: A South African Kingdom*, 2nd ed, Holt, Reinart and Winston, New York.
- Kuper, H 1978, *Sobhuza II: Ngwenyama and King of Swaziland*, Duckworth, London.
- LeDuc, L, Niemi, R & Norris P (eds) 1996, *Comparing Democracies: elections and Voting in global Perspective*, Sage, London.
- Leonard, K, David K. & Odhiambo, O 2009, 'The Political and Institutional Context of the 2007 Kenyan Elections and Reforms needed for the Future', *Journal of African Elections* vol. 8, no.1.
- Levin, R 1991, 'Swaziland's Tinkhundla and the Myth of Swaziland Tradition', *Journal of Contemporary Studies*, vol. 10, no.2.
- Levin, R 1997, *When Sleeping Grass Awakens: Land and Power in Swaziland*, Witwatersrand University Press, Johannesburg.
- Libby, RT 1987, *The Politics of Economic Power in Southern Africa*, Princeton University Press, Princeton.
- Liebenow, GJ 1986, *African Elections: Crises and Challenges*, Indiana University Press, Bloomington.
- Matsebula, JSM 1972, *A History of Swaziland*, Longman, London.

- Macmillan, H 1986, 'Swaziland: Decolonization and the Triumph of 'Tradition', in J Daniel and M Stephen (eds.), *Historical Perspectives on the Political Economy of Swaziland: Selected Articles*, Social Science Research Unit, Kwaluseni.
- Mamba, M 2006, 'Tinkhundla: A Study of the System', MA thesis, University of Swaziland.
- Mazrui, AA. & Tidy, M 1984, *Nationalism and New States in Africa: From about 1935 to the Present*, Heinemann, Oxford.
- McQuoid-Mason, D, Mchunu M, Govender K, O'Briaen EL & Curd-Larkin, M 1994, *Democracy for All: Education Towards a Democratic Culture*, Juta, Kenwyn.
- Mzizi, JB 2004, 'The Dominance of the Swazi Monarchy and the Moral Dynamics of Democratization of the Swazi State', *Journal of African Elections*, vol.3, no.1.
- Neocosmos, M 2002, 'The Politics of National Elections in Botswana, Lesotho and Swaziland: Towards Comparative Analysis, in M Cowen (ed), *Multiparty Elections in Africa*, James Currey, London.
- New York Times*, 13 April 1973.
- Proctor, JH 1975, 'Traditionalism and Parliamentary Government in Swaziland', in J Daniel, G Simelane & V Simelane (eds), *Politics and Society in Swaziland*, vol. 2.
- Schumpeter, J 1942, *Capitalism, Socialism and Democracy*, Allen and Unwin, London.
- Shongwe, M 1983, 'Tinkhundla: A Study of Local Government in Swaziland', *Journal of Southern African Studies*, vol 17, no. 4 (December).
- Simelane, HS 1991, 'Landlessness and Imperial Response in Swaziland, 1938-1950', *Journal of Southern African Studies*, vol. 17, no. 4 (December).
- Simelane, HS 2010, 'The State, Elections, and Hidden Protest: Swaziland's 2008 Elections', *Journal of African Elections*, vol. 8, no. 1 (June).
- Simelane, HS & Rupia, M 2011, 'Democracy, African Elections and the Crises of Democratic Transition and Consolidation: Implications for Security', paper presented at Africa University, Symposium on elections and democracy in Africa, Mutare, Zimbabwe, 10-11 May.
- Swaziland, 2006, *The Constitution of the Kingdom of Swaziland*, Government Printer, Mbabane.
- Swaziland & Sobhuza 1973, *Proclamation by King Sobhuza II [on the constitution] on 12 April 1973*, Government Printer, Mbabane.
- Swaziland (n.d.), *The Kingdom of Swaziland*, Government Information Services, Mbabane.
- Swaziland Government Gazette Extraordinary, *The Tinkhundla Review Commission Decree*, 1992, Decree No 1 1992, 2 April 1992.
- Swaziland 1978, *The Establishment of the Parliament of Swaziland Order, 1978, Part II* (3).
- Swaziland 2008, *Elections and Boundary Commission National Elections Report*.

SADC Parliamentary Forum 2013, *Mission report: election observation mission report for the 2013 Swaziland National Elections, 10-24 September 2-13, Ezulwini, Swaziland.*

The Times of Swaziland, 1964, 12 June.

Vilane, J 1986, 'Ideology and Ideological Struggle in Swaziland', in Daniel D & Stephen M (eds), *Historical Perspectives on the Political Economy of Swaziland: Selected Articles*, Social Science Research Unit, University of Swaziland, Kwaluseni.

Weekend Sun, 1992, 24 January-7 February.

Youe, CP 1986, 'Imperial Land Policy in Swaziland and the African Response', in Daniel J & Stephen M (eds), *Historical Perspectives on the Political Economy of Swaziland: Selected Articles*, Social Science Research Unit, University of Swaziland, Kwaluseni.