

Swaziland: Constitutional trouble?

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Swaziland is sub-Saharan Africa's last absolute monarchy and has a population of one million. Political parties have been banned in this landlocked kingdom since 1973, when King Mswati III's father, King Sobhuza II suspended a 1968 constitution that had allowed multi-party politics. On 23 May this year, the government banned for a second time the weekly Guardian newspaper and monthly Nation magazine, both privately owned publications.

The Prime Minister Sibusiso Dlamini banned union meetings that were planned to protest against the eviction of villagers who refused to accept the king's brother as their chief. In June this year, Swaziland's absolute monarch, King Mswati III, declared a state of emergency allowing him to ban newspapers, jail those critical of him and overrule court rulings in the kingdom.

CHRI called on Commonwealth member states to "act soon" in relation to the deteriorating situation in Swaziland because it was actively contravening the values of the Commonwealth. "The CHRI believes the latest decree, one of many, is aimed at muzzling the press and preventing criticism of the monarchy. In contravention of the international norms of fair trial, it disallows bail and appeal. This decree intends to consolidate the king's position as an absolute monarch at the cost of democracy."

The decree, published in an extraordinary government gazette, ruled that the proscription of newspapers, magazines or books is outside the scope of legal proceedings, and declares that impersonating or ridiculing the king is illegal. The decree follows months of protests by trade unionists demanding the introduction of democracy. The two publications had been highly critical of both the traditional authorities and the government. The ban has attracted a lot of criticism from all quarters and media watchers.

The government's non-democratic practices may also catch the attention of the newly established African Union (AU), which replaced the Organisation of African Unity in July 2001. Its objectives, which clash with the values being propagated in Swaziland, include the ratification of the African Charter on Human and People's Rights and other relevant human rights instruments in the world. The AU declared that any member state that fails to comply with the decisions and policies of the union may be subjected to sanctions, such as the denial of transport and communications links with other member states.

However, this does not stop the Swaziland government from seeing this as an attack on their sovereignty. The constitutional review commission, (CRC), whose chairman happens to be Prince Mangaliso – a relative of the King, reported recently that the AU and international agreements should not interfere with the customs of the nation. "We can still enjoy and respect the UN Charter on Human Rights without necessarily having political parties, which people have a choice to either have or not." Prince Mangaliso then said the people of Swaziland have chosen not to have political parties.